

**MINUTES**  
**OF THE**  
**ENVIRONMENTAL PROTECTION COMMISSION**  
**MEETING**  
**JANUARY 18, 2005**

**INGRAM OFFICE BUILDING**  
**7900 HICKMAN ROAD**  
**URBANDALE, IOWA**

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## MEETING MINUTES

### CALL TO ORDER

The meeting of the Environmental Protection Commission was called to order by Chairperson Darrell Hanson at 10:00 a.m. on Monday, January 18, 2005 in the Ingram Office Building, Urbandale, Iowa.

### MEMBERS PRESENT

Darrell Hanson, Chair  
Terrance Townsend  
Jerry Peckumn, Vice Chair  
Heidi Vittetoe, Secretary  
Donna Buell – arrived at 10:15  
Lisa Davis Cook  
Francis Thicke – arrived at 10:15

### MEMBERS ABSENT

Lori Glanzman – phone conferenced in to vote on Item 4 – Final Rule – Amendment to Ch. 65.17 Incorporating the Phosphorus Index into Manure Management Plans  
Kathryn Murphy

### ADOPTION OF AGENDA

Add: 11:00 Appt. – Alfred Blackmer – Nitrogen Management

*Motion was made by Lisa Davis Cook to approve the agenda as amended. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS AMENDED**

### APPROVAL OF MINUTES

*Motion was made Terry Townsend to approve the December 20<sup>th</sup>, 2004 EPC minutes as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

### DIRECTOR'S REPORT

Liz Christiansen informed the Commission that Jeff Vonk is unable to attend today due to legislative meetings.

The legislative breakfast will be held January 19<sup>th</sup> from 7:30 - 9 AM in room 116 of the capitol. The joint NRC and EPC meeting will be held at 9:30 AM on January 19<sup>th</sup> in the Wallace State office building conference room.

<b>INFORMATIONAL ONLY</b>
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**RENEWABLE ENERGY PROGRAM CONTRACT – TALL TOWERS GRANT**

Tommi Makila, of the Energy and Waste Management Bureau presented the following item.

The Department received a grant from the U.S. Department of Energy (DOE) in the amount of \$124,996. Pursuant to this grant, the Department intends to contract with the Iowa Energy Center, a component of Iowa State University and one of the foremost authorities on wind energy research in the United States, in the amount of \$104,990. The Iowa Energy Center will provide an additional \$430,323 in matching funds to ensure the success of this project.

The purpose of the grant and the contract with the Iowa Energy Center is to research high-altitude wind conditions unique to the upper midwestern region to assist market growth in new “Tall Tower” technologies within the wind industry. This project ranked first among those submitted as part of the DOE’s annual state wind grant program, and the Department is confident the project will succeed because of the Iowa Energy Center’s expertise in mapping wind patterns for Iowa in detail beyond the National Renewable Energy Laboratory’s capabilities.

<b>DNR Contract Value</b>	<b>Iowa Energy Center’s Match</b>
\$104,990	\$430,323

The Department requests the Commission’s approval to enter into a contract with the Iowa Energy Center.

*Motion was made by Lisa Davis Cook to approve the item as presented. Seconded by Terry Townsend. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**FINAL RULE - AMENDMENT TO CHAPTER 65.17 - INCORPORATING THE PHOSPHORUS INDEX INTO MANURE MANAGEMENT PLANS**

Gene Tinker, Animal Feeding Operations Coordinator for the Department of Natural Resources presented the following item.

The Commission will be asked to approve a final rule to amend the state's manure management plan content requirements including revised language on recordkeeping requirements for commercial fertilizer applications.

Iowa Code 2003: Section 459.312, directs the department to develop rules that require manure application from a confinement feeding operation utilize the phosphorus index to determine application rates. The commission adopted rule amendments to incorporate the phosphorus index into manure management plans and to modify other aspects of the manure management plan requirements at the June 21, 2004 meeting. The administrative rules review committee placed a 70 day delay on paragraph 65.17(13)"e" while new language for the rule could be developed and reviewed.

As a result of the written comments, no changes have been made to the Notice of Intended Action. However an option for change is presented. The terms "rented or leased" were both included in the proposed language and the term "leased" could be deleted as the use of both terms is redundant.

The following amendment is adopted.

Amend paragraph 65.17(13)"e" as follows:

e. Effective August 25, 2005, date(s) and application rate(s) of commercial nitrogen and phosphorus on fields that received manure. However, if the date and application rate information is for fields which are not owned for crop production or which are not rented or leased for crop production by the person required to keep records pursuant to this subrule, an enforcement action for noncompliance with a manure management plan or the requirements of this subrule, shall not be pursued against the person required to keep records pursuant to this subrule or any other person who relied on the date and application rate in records required to be kept pursuant to this subrule, unless that person knew or should have known that nitrogen or phosphorus would be applied in excess of maximum levels set forth in paragraph 65.17(1)"a."

A public hearing was held on December 3, 2004 and written comments were received for the proposed revisions to the recordkeeping requirements for commercial fertilizer applications. A responsiveness summary addressing the comments received is as follows:

On October 18, 2004, the Environmental Protection Commission approved a Notice of Intended Action (NOIA) to amend Chapter 65.17 "Manure Management Plan Content Requirements." The Notice of Intended Action (NOIA) was published in the Iowa Administrative Bulletin (IAB) on November 10, 2004, as ARC 3807B. This was in response to action taken on August 11, 2004, when the Administrative Rules Review Committee delayed for 70 days the August 25, 2004 effective date for 65.17(13)"e". This paragraph requires that manure management plan records maintained after August 25, 2005, include the date and application rate of commercial nitrogen and phosphorus on fields that received manure. The basis for the delaying the effective date of this paragraph was a concern that persons required to maintain manure management plan records would be held responsible for excessive commercial nitrogen or phosphorus applied to land that they do not own or rent for crop production purposes. The proposed amendment would

prohibit the department from taking enforcement action against any person who relies on such information unless the person knew or should have known that the application rate was excessive.

Comments were submitted by the Iowa Farm Bureau Federation and Iowa Citizens for Community Improvement. Summaries of their comments include:

Iowa Citizens for Community Improvement oppose the proposed change because producers should be required to maintain records of all nutrients applied to a field in which they plan to apply manure because this is essential to protecting water quality in the state. As written, the revision to the paragraph falls short of being protective to water quality.

**DNR Response:** The Administrative Rules Review Committee imposed a 70 day delay on this paragraph because they felt it created too great a liability risk to livestock producers applying manure to land they did not have control of additional nutrient applications. This would make the livestock producers liable for a different person's actions. Therefore the proposed change is needed.

Iowa Farm Bureau Federation is supportive of the proposed additional language as it provides liability protection to livestock farmers for commercial fertilizer applied by crop farmer neighbors. As an alternative they would be supportive of deleting the entire paragraph. A change was also suggested: "While the terms 'rented or leased' are both included in the federal AFO/CAFO regulations, we suggest that the term 'leased' be deleted. The use of both terms, as commonly understood by Iowans, is redundant."

**DNR Response:** The paragraph should not be deleted as the purpose of a Manure Management Plan is to prevent over application of nutrients. If commercial fertilizer is applied, the manure application rate must be appropriately adjusted to prevent any over application. The option of removing the term "leased" will be provided to the Environmental Protection Commission for their decision.

Jerry Peckumn stated his concerns with adopting the new sentence. It appears that it will cause some people to follow the nutrient management plan for a longer period through the crop year and some people will not need to do that. Anyone who transfers the manure to somebody else unless it's considered a sale will not need to worry about nutrient management after application of manure. Producers that transfer the manure to another operator and are not involved with crop production on that land would not have to test for nitrogen. It seems that some people would be required to follow nutrient management and others would not. I believe we should have a mechanism that will reduce liability to someone who can't do anything.

Darrell Hanson asked to what extent do you make the seller liable for how the buyer uses it?

Francis Thicke asked if the supplier of the manure could be required obtain a statement from the person who buys the manure about what rates of commercial fertilizer, nitrogen phosphorus will be applied to each of the fields that receives the manure.



Gene Tinker said that it would be between the two operations to work something out. As far as making this a requirement, we could try it. The Rules Review Committee might not let it through.

Francis Thicke proposed to add an additional sentence to the proposed amended paragraph 65.17(13)"e":

“If manure is applied to fields not owned, rented or leased for crop production by the person required to keep records pursuant to this subrule, that person shall obtain from the person who owns, rents or leases those fields a statement specifying the planned commercial nitrogen and phosphorus fertilizer rates to be applied to each field receiving the manure.”

Donna Buell stated that she is supportive to the amended 65.17 chapter change and the additional sentence from Francis Thicke. Open communication between the buyer and seller of manure may increase awareness of application amounts.

## **PUBLIC PARTICIPATION**

**CHRIS GRUENHAGEN**, representing the Iowa Farm Bureau expressed her concerns with the proposed sentence by Francis Thicke to Chapter 65.17. Our two main concerns are:

1. Requirement to acquire records for somebody else's farm that you don't have control over. Right now you have manure agreements with the landowner, who may be an absentee landowner and they rent the land out to crop farmers. This rule would make it very difficult to acquire that information. It requires you to ask for the information, it may be difficult to acquire it. Neither the landowner or the person operating the farm is required to provide that information.
2. What is the Department going to do with that information if manure was applied in the fall and then the next spring, the farm operator whom you do not have the manure agreement with applies commercial fertilizer. We are concerned that the department did express their intent to hold the livestock farm liable for that. The proposed language does directly address that, so we do support the proposed amendment to the rule. The proposed status of this language would require you to ask the farm operator for the information about what commercial fertilizer they are applying without adding Francis's amendment. The livestock producer should not be required for the buyer's action.

We do support the language as proposed by the department staff without Francis's amendment.

**KARI CARNEY**, representing ICCI said that they oppose the proposed change as presented by the department to the phosphorus index. We believe that the DNR's original intent to require factory farms to maintain records of all nutrients applied to the fields in which they plant or apply manure is essential to protecting the water quality in the state. The number priority of the DNR and the EPC, when considering on whether or not to approve this revision should be to protect water quality. However, we are supportive of Francis's proposed amendment. Producers should be required to get information on application rates.

**FINAL RULE - AMENDMENT TO CHAPTER 65.17 - INCORPORATING THE PHOSPHORUS INDEX INTO MANURE MANAGEMENT PLANS ---CONTINUED**

To adopt Francis Thicke's amendment.

*Francis Thicke made the motion to adopt an additional sentence to the proposed amended paragraph 65.17(13)"e": "If manure is applied to fields not owned, rented or leased for crop production by the person required to keep records pursuant to this subrule, that person shall obtain from the person who owns, rents or leases those fields a statement specifying the planned commercial nitrogen and phosphorus fertilizer rates to be applied to each field receiving the manure." Seconded by Lisa Davis Cook. Roll call vote went as follows: Terry Townsend – aye; Heidi Vittetoe – nay; Francis Thicke – aye; Lisa Davis Cook – aye; Lori Glanzman – aye; Darrell Hanson – aye; Jerry Peckumn – aye; Donna Buell – aye. Motion passed.*

To adopt the amended Final Rule – Amendment to Chapter 65.17 – Incorporating the Phosphorus Index into Manure Management Plans.

*Motion was made by Lisa Davis Cook to adopt the final rule to Chapter 65.17 as amended. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS AMENDED**

Gene Tinker said that this may need to go out for public comment again, since there have been amendments. Gene said that he will check with the Legal Services Bureau.

**\*\*\*\*\*NOTE AMENDMENT FROM THE MARCH 21, 2005 MEETING\*\*\*\*\*****CORRECTION OF JANUARY, 2005 MINUTES; AMENDMENT TO RULE PARAGRAPH –65.17(13)“E” – RECORDS OF COMMERCIAL FERTILIZER APPLICATION**

Ed Tormey, Legal Services Bureau Chief presented the following item.

The Commission is requested to approve corrected minutes for the January 18, 2005 meeting.

During the January 18, 2005 meeting the Commission approved additional language to the paragraph previously published in a Notice of Intended Action (NOIA). The additional language is considered a significant change from the NOIA requiring publication of an amended NOIA. However, the minutes for the Commission's approval appear to indicate that the language was adopted for publication as a final rule. Audio tape of the meeting confirms that the Commission approved the additional language and understood that an amended NOIA would be published. Indeed, the amended NOIA was published on February 16, 2005 and the public hearing was held on March 8, 2005.

*Motion was made by Francis Thicke to approve the correction to the January 2005 minutes as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**RICH LEOPOLD**, Iowa Environmental Council commented on Protected Uses for Surface Waters in Iowa.

Protected uses are those general uses and designated uses that apply to Iowa's surface waters. All surface waters in Iowa are afforded protection for general uses; selected water bodies are classified for designated uses and are afforded additional protection. General uses are protected by narrative criteria, and designated uses are protected by water quality criteria and the state's ant degradation policy as described in the Iowa Water Quality Standards. In addition, water designated as "High Quality" (HQ) or "High Quality Resources" (HQR) receive special protection to maintain their outstanding water quality, ecological significance, and/or recreational significance.

**General Uses:**

General uses apply to all surface waters, including Class "A", "B" and "C" waters. General Use waters are potentially used for livestock and wildlife watering, aquatic life, non-contact recreation, crop irrigation, and industrial, domestic, agricultural, and other incidental water withdrawal uses not otherwise protected by Class "A1", "A2", "A3", "B" or "C" water quality criteria.

**Designated Uses:**

Surface waters in Iowa can be designated for one or a combination of the following uses:

- A. Recreational (Class "A") uses: Waters designated for Class "A" uses are protected for various contact recreational uses.
  - Class "A1" Primary contact recreational use: waters in which recreation or other uses may result in prolonged and direct contact with the water.
  - Class "A2" Secondary contact recreational use: waters in which recreation or other uses may result in contact with the water that is either incidental or accidental
  - Class "A3" Children's recreational use: waters in which recreational uses by children are common
- B. Aquatic Life (Class "B") uses: Waters designated for Class "B" uses are protected for wildlife, fish, aquatic and semi-aquatic life uses. Class "B" waters are divided into the following categories:
  - Class "B" (CW) (coldwater aquatic life): streams or lakes that support trout and association aquatic communities

- Class “B” (WW) (significant resource warm water): lakes or rivers which support warm water game fish and associated aquatic communities, including sensitive species
- Class “B” (LR) (limited resource warmwater): streams which support limited aquatic life populations primarily composed of minnows and other nongame fish species
- Class “B” (LW) (lakes and wetlands): artificial impoundments and natural lakes with lake-like conditions that support warmwater game fish and associated aquatic communities

C. Drinking Water (Class “C”) uses: Rivers or lakes designated for Class “C” uses are protected as a raw water source of potable water (suitable for drinking).

### **High Quality (HQ) waters:**

Waters with exceptionally better quality than specified by Iowa water quality criteria and with exceptional recreational and ecological importance. Special protection is warranted to maintain the unusual, unique or outstanding physical, chemical, or biological characteristics that these waters possess.

### **High Quality Resource (HQR) waters:**

Waters of substantial recreational or ecological significance that possess unusual, outstanding or unique physical, chemical, or biological characteristics that enhance the beneficial uses and warrant special protection.

	Type of Waterbody			
	Rivers/Streams	Lakes	Reservoirs	Wetlands
“General Use” Waters	71,665 miles	92,816 acres	40,850 acres	52,271 acres
“Class A”: Primary Contact	2,276 miles 93 segments	44,903 acres 163 lakes	40,850 acres 4 reservoirs	6,296 acres 88 wetlands
“Class B”: Aquatic Life	12,186 miles 1,068 segments	47,600 acres 278 lakes	40,850 acres 4 reservoirs	308 acres 1 wetland
“Class C”: Drinking Water	286 miles 18 segments	20,350 acres 54 lakes	11,000 acres 1 reservoir	22,273 acres 88 wetlands
“HQ”: High Quality	342 miles 50 segments	10,249 acres 7 lakes	None	none
“HQR”: High Quality Resource	1,529 miles 109 segments	8,571 acres 5 lakes	11,000 acres 1 reservoir	2,033 acres 5 wetlands

There are many other provisions noted in the Water Quality Standards that further describe the requirements in protecting the general and designated uses. These provisions include the antidegradation policy, critical low streamflows, mixing zones, and zones of initial dilution. For further information on any of these provisions, please contact Adam Schnieders at 515-281-7409 or [adam.schnieders@dnr.state.ia.us](mailto:adam.schnieders@dnr.state.ia.us)

If you wish to view the current Water Quality Standards from the DNR website, click on this link: <http://www.iowadnr.com/standards/summary.html>

**SUSAN HEATHCOTE**, Iowa Environmental Council addressed her concerns about Chapter 53 - Protected Water Source.

1. I am concerned with the terminology used. Protected water source is misleading. We are restricting the use of water. It would be worth considering amending the title to Restricted Water source to reflect accurately what it will be doing. We are not protecting the water source but restricting its use.
2. In item it talks about a one source area having had some clean up done to remove the area around the landfill. I believe there are two source areas.
3. I am concerned about affected properties, not just the water wells but having a groundwater plume beneath your property can affect the land value. I'm not sure if that has been fully addressed and how affected property owners can be compensated.

**NEILA SEAMAN**, Iowa Chapter of the Sierra Club stated that they do not support the New sources review rules being promulgated by the Environmental Protection Agency. The Bush Administration is weakening clean air standards and undermining its enforcement. Through the weakening of the new source reviews and promotion of its clear skies initiatives, the Bush administration's policies will allow more health threatening mercury and smog into our air. Putting our communities and families at risk. The administration is also pushing air pollution standards that are weaker than the current clean air act. The better way to promote clean air would be to enforce the existing law, hold polluters accountable and require them to use today's technologies to protect our health and safety. Several new source review cases are working their way through federal courts. These cases are not only being brought by environmental organizations but by general attorney's in Wisconsin and by several other NE states who have identified that the process is flawed. The outcome of these court challenges could render this process flawed. We believe the resources that the DNR will need to develop these rules can be better spent doing meaningful work rather than using taxpayer money and staff time on what may possibly be an exercise futility.

**MARY WITTRY**, Director of the Carroll County Solid Waste Management commission thanked the DNR energy and waste management staff for their hard work and dedication in rewriting the Chapter 101 rules. I appreciated the opportunity to work with DNR staff and other stakeholders to address some of the concerns identified at the meeting in 2002 and through the last round of comprehensive plan submittals. I believe the end results will be very beneficial.

-----End of Public Participation-----

#### **APPOINTMENT – ALFRED BLACKMER**

Alfred Blackmer, Professor of Agronomy from Iowa State University gave a presentation on nitrogen management problems during crop production in Iowa. I will be talking about nitrogen after it is applied to the soil, it has nothing to do with confinement buildings or fertilizer plants. It's nitrogen in general.

His objective is to share his perspectives about where we are and what needs to be done.

#### Credentials

- Raised on a dairy farm in New England
- Focused on N research for >30 years
- More than 300 publications on the topic
- Taught the graduate-level courses about the theory and practice of “soil fertility” at ISU for the past 27 years
- Recognized internationally as an expert on nitrogen management

#### Research shows

More than half of the fertilizers N applied for corn in Iowa has been lost from fields during the first year by processes other than grain harvest.

An environmental problem many people in agriculture are reluctant to discuss:

Leaching of nitrate – this is how nitrogen gets to waterways

Leaching of dollars – collectively Iowa farmers are spending about a half a billion dollars a year on nitrogen.

#### Research finding

Soil nitrate concentrations measured in late spring provide useful assessments of N sufficiency for N corn growth.

Soil nitrate testing: After fertilization – After April Showers – Before plants grow

#### Research finding

Stalk nitrate concentrations measured in the fall provide useful assessments of N sufficiency for N corn growth.

#### New concept

- Evaluation and improvement of N management outcomes (N-sufficiency levels attained.)
- Evaluation and improvement of N management outcomes across many farms.

#### Research finding

- Large amounts of fertilizer N are lost *before* plants grow!

#### New concept

Evaluated performance of guidelines for N management.

#### Old rule of thumb:

N fertilizer needs = yield goal x 1.2 – credits. (*Misinformation!*)

#### Oversimplification

- Recommend the same rate for all times and methods of N application. (*Unacceptable!*)

Some groups advocate fall applications of N.

- Don't worry about how the need for "insurance N" is estimated in guidelines. (Unacceptable!)
- Ignore effects of carbon in plant residues and animal manures when developing guidelines. (Unacceptable!)
- Ignore advances in knowledge and technology when developing guidelines. (Unacceptable!)

New Technologies/New Knowledge!

- Yield measurements on the scale of fields
- Remote sensing for farmers

Answerable question:

If application of fertilizer N is delayed until after plants have emerged, is 100 lb/acre enough to maximize profits for corn after soybean?

If applications of N are made in the spring, how much profit would producers lost by reducing rates by a third?

On-Farm research shows:

Optimizing N management will enable corn producers to reduce N rate while increasing yields. (Helps our economy and environment!!)

Conclusion

Guidelines currently given to farmers are the primary barrier to improving N management during crop production in Iowa. (The problem is in the government!)

Action Needed

- Reject guidelines not based on sound research and science. (Much money is involved, so scams and shams should be expected!)
- Reject guidelines that do not have appropriate documentation of the supporting research and science. (Demand credible data!)
- Reject guidelines that do not include provisions for evaluation and improvement of the guidelines.
- Recognize that the best way to improve N management in Iowa may be to have farmers participate in programs to evaluate their management outcomes. (Use public funds to help farmers and free enterprise solve this problem.)

Change is happening on the farm, can the government keep up.

Fred Blackmer explained that the yields in Iowa are determined primarily by moisture content. The yields are lowest on the places where there is least organic matter on the places where there is least organic matter in a field. Yields go up because of water. Nitrogen supplying power goes up faster because of organic matter. So you will actually need less nitrogen where the yields are higher.

An all day conference on Nitrogen is scheduled on February 8<sup>th</sup>, 2005 at the Hotel At Gateway Center in Ames, Iowa. This is open to the public. The conference will begin at 8:30 AM and end at 4:30 PM. The event is sponsored by the Iowa Soybean Association. For more details visit – <http://www.iasoybeans.com/nitrogenconf/nconfagenda.html>

## **NOTICE OF INTENDED ACTION - CHAPTER 53: PROTECTED WATER SOURCE**

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The rules in Chapter 53 describe the purpose and procedures for designating specific surface water and groundwater sources as protected sources. This includes the special information that may be required of applicants for permits to withdraw water from such sources and conditions that may be applied to approved permits. Those protected sources designated by rule are also listed. This proposed rule adds a protected source to the list.

### **Background**

The Department received a petition for rulemaking from American Chemical Company and Getty Chemical Company (ACC/GCC), the companies or entity responsible for the cleanup of groundwater at the Chemplex Superfund site near Clinton. The petition requests that the department designate the site and an area down gradient from the site as a protected groundwater source under Chapter 567 IAC 53. In response to the petition, the department has initiated the formal rule making process to designate this area as a protected groundwater source.

Currently, Equistar operates a polyethylene manufacturing facility at the site. Until 1984, this facility was operated by ACC/GCC and was referred to as Chemplex by the former owners. The site also encompasses a portion of a former fertilizer manufacturing plant, a former landfill, and adjacent lands.

The groundwater extraction and treatment system is not effectively cleaning up the groundwater due to the presence of fractured bedrock which does not allow the extraction system to reliably capture and contain the groundwater plume. Due to this fractured bedrock, it is not feasible to modify or expand the groundwater recovery system to provide effective and reliable capture. Soil clean up at the landfill has been completed and has recovered significant amounts of perchloroethylene (PCE). However, groundwater monitoring indicates that natural attenuation of PCE, the primary chemical of concern at the site, is occurring over large portions of the site.

ACC/GCC proposes to cease operation of the groundwater recovery system and designate the area as a protected groundwater source. The proposed protected groundwater area includes the



Chemplex site, the former PCS Nitrogen site, and privately owned lands down gradient from the site (see attached map). ACC/GCC plans to extend the drinking water system from the City of Camanche to residents in the area by providing funds to construct a new elevated water storage tank and required piping. If the area is designated as a protected groundwater source, withdrawing groundwater would be greatly restricted or prohibited. The department is coordinating the plan with EPA Region 7.

Bob Drustrup gave the following Powerpoint presentation on Chapter 53 – Protected Water Source Designation – Chemplex Site in Clinton County.

#### Chemplex Site Background

- Polyethylene Plant built in 1967.
- Owned by ACC/GCC through 1984.
- PCE used to unclog process piping.
- PCE and waste oils disposed in on-site landfill.
- Identified as hazardous waste site in 1984.
- EPA handles site like a Superfund site.

#### Contaminants of Concern

- Chlorinated Solvents
- PCE – TCE - DCE – Vinyl Chloride
- Dry cleaning solvent & metal degreaser
- Standards based on cancer (except DCE)
- 25 years at 2 liters/day at drinking water standard (5ppb) = 1 drop PCE (500 drops/oz.)

#### Chemplex Actions to Date

- Groundwater pump & treat since 1994 to prevent off-site migration of contaminants
- Soil vapor extraction from 1998 to 2003 (33,000 # of contaminants removed)
- Capped landfill area
- Monitoring
- On-site land-use restriction

#### Current Conditions

- Source control at on-site landfill completed.
- Western groundwater plume believed to be stable without continued pumping.
- Eastern groundwater plume moving off-site
  - Different chemistry
  - Complex nature of fractured bedrock
  - Pumping has pulled contamination deeper
  - Ongoing pump & treat inefficient and impracticable.

#### Chemplex Changes Under Consideration

- Turn off pump & treat system
- Monitor effects in surface water and groundwater – continued EPA oversight. This is EPA's site and they are treating it like a Superfund site.

- Contingencies (If the conditions are worse than anticipated, then they may have to turn the pump back on.)
- Prevent potential exposure
  - Extend city water to potentially impacted area
  - Chapter 53 protected water source designation

#### Chapter 53

- Result of 1985 State Water Plan
- Iowa Code 455B.267(4)
  - Permit to withdraw water shall not be issued if it will unreasonably impair the long-term availability of water in terms of quantity, quality, or otherwise adversely affect the public health or welfare.

#### Effects of Chapter 53 for Chemplex

- No permit will be issued to withdraw groundwater above the Maquoketa Shale
  - Permit required for >25,000 gal/day, which is more than the aquifer is expected to yield.
- Require deep wells to be sealed through the Maquoketa Shale.
- County to deny permit for private wells, unless adequate alternative supply not available.

#### Chapter 53 Considerations

- Low yield potential from restricted aquifer
- Plentiful water resources in area
- Benefits of city water (e.g. quality control, dependability, fire protection, development)
- No significant threat to surface water expected
- Chemplex proposals are NOT a done deal. (However, minimal/reversible impacts without city water.)
- Continued oversight by EPA and DNR

Lisa Davis Cook stated that she wants as many people possible to be aware of this.

Bob Drustrup said that this will go out for public comment.

*Motion was made by Jerry Peckumn to approve the NOIA – Chapter 53 as presented. Seconded by Terry Townsend. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**PROPOSED RULE – REVISION OF IAC 567-CHAPTER 101; “SOLID WASTE COMPREHENSIVE PLANNING REQUIREMENTS”**

Mark Warren, Program Planner of the Energy & Waste Management Bureau presented the following item.

The Commission is requested to amend IAC 567-Chapter 101 “Solid Waste Comprehensive Planning Requirements”. In 2001, the Commission approved the current version of IAC 567-Chapter 101. Since 2001, a comprehensive planning cycle has been completed for each planning area in the state using the current chapter. When the previous comprehensive planning rules revision process concluded in 2001, it was determined that the rules would be evaluated once all planning areas had gone through the new process.

Director Vonk and others from the department met with stakeholders on November 25, 2002 regarding concerns with solid waste comprehensive planning. Following this meeting, Director Vonk initiated the formation of an advisory committee consisting of Iowa Society of Solid Waste Operators (ISOSWO) members, private consultants, landfill operators and other interested parties. Bureau staff developed a timeline of advisory meeting dates and topics, which were posted on the Department’s web site and disseminated through ISOSWO. In all, twelve meetings were held between February 4, 2004 and December 15, 2004. Detailed minutes were taken of each meeting and posted on the Department’s web site. Bureau staff also attended nine ISOSWO board meetings to provide updates and request additional input regarding the rule revision process. Furthermore, a memorandum was sent in February, 2004 to each of the state’s forty-five planning area contacts stating that the rule revision process had begun and included the contact information for Bureau staff for questions or comments. A letter was also sent in August, 2004 to planning area contacts to provide an update to the rule revision process.

Upon completion of the December, 2004 advisory committee meeting, Bureau staff determined that the draft rules were ready for formal rulemaking.

The bulleted sections below highlight some of the substantive changes the Department proposes to IAC 567–Chapter 101. The majority of the revisions proposed clarify existing rule and incorporate input and recommendations received throughout the last comprehensive planning cycle and the rule revision process.

Due to the revisions proposed, it became necessary to reorganize and renumber the chapter. This reorganization and renumbering does not affect the substance of the rules, but does make them easier to follow.

(Numbering represents the proposed reorganization of IAC 567–Chapter 101)

**567—101.1(455B,455D) Purpose, applicability and authority.**

- 101.1(2) *Applicability*. Upon review of applicable Iowa Code sections, a reference to Iowa Code chapter 455B.301A was added. Also, language that did not apply to comprehensive planning was deleted.
- Removed IAC 567-Chapter 101.1(3) *Authority*. It is not necessary to state the authority to adopt because this is already stated in the heading of the rule.

**567—101.2(455B,455D) Variances. (Removed)**

- Old IAC 567-Chapter 101.2, Variances, has been removed because this is covered in IAC 561-Chapter 10.

**567—101.2(455B,455D) Definitions.**

- The definition of “Consumer Price Index” was developed and added for clarity.
- The definition of “Contaminated soil” was developed and added to clarify the eligibility requirements for the exemption of contaminated soils as outlined in IAC 567-Chapter 101.7(3)“c”.
- The definition of “Fiscal year” was developed and added for clarity.
- “Comprehensive plan submittal – initial” was changed to “Initial comprehensive plan” in the rule revision to be consistent with the terminology used and widely recognized by Bureau staff and stakeholders.
- In the current rule, there was no distinction between the designated contact agency and the entities (local governments and sanitary disposal projects) that make up the geographic boundaries of a planning area. The definition of “Planning agency” was added to mean the designated contact agency on file with the Department, and the definition of “Planning area” was changed to mean the combined jurisdiction of the local governments and their designated sanitary disposal project(s) involved in a comprehensive plan.
- The definition of “Planning cycle” was changed to clarify that the planning cycle will be the same frequency as sanitary disposal project permitting.

**567—101.4(455B,455D) Duties of cities and counties.**

- Language was added to clarify standard operating procedures related to the tracking of Iowa-generated waste between individual planning areas.

**567—101.6(455B,455D) State volume reduction and recycling goals.**

- Language was added to clarify standard operating procedures related to state volume reduction and recycling goals.

**567—101.7(455B,455D) Base year adjustment method.**

- IAC 567-Chapter 101.7(1) and IAC 567-Chapter 101.7(2) Rules outlining the base year adjustment method previously appeared in a document titled “Guidelines for Solid Waste Comprehensive Plans: Integrated Solid Waste Management Systems” (September 1990) as revised March 19, 2001, which was adopted by reference. These provisions were moved from the reference document previously adopted by rule and revised for clarity.

- IAC 567-Chapter 101.7(3) The standard operating procedures regarding the exemption of solid waste tonnage attributed to exceptional events from goal progress and state tonnage fee calculations has been added in rule.

**567—101.8(455B,455D) Submittal of initial comprehensive plans and comprehensive plan updates.**

- These provisions were moved from the reference document, previously adopted by rule, into the chapter and revised for clarity.

**567—101.9(455B,455D) Review of initial comprehensive plans and comprehensive plan updates.**

- These provisions were moved from the reference document, previously adopted by rule, into the chapter and revised for clarity.

**567-101.10(455B,455D) Municipal solid waste and recycling survey.**

- Standard operating procedures outlining the completion and submittal of the municipal solid waste and recycling survey were revised for clarity and added to rule.

**567-101.11(455B,455D) Online database.**

- Provisions outlining the completion and submittal of comprehensive plan data using the online database were moved from the reference document, previously adopted by rule, and revised for clarity. The online database includes fourteen forms that are each adopted by reference in the revised chapter.

**567—101.12(455B,455D) Types of comprehensive plan submittals to be filed.**

- Provisions outlining when an initial comprehensive plan is needed were moved from the reference document, previously adopted by rule, and revised for clarity.
- IAC 567-Chapter 101.12(1) *Content of an initial comprehensive plan*. This section contains consolidated provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(2) *Comprehensive plan updates*. This section contains consolidated provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(3) *Transfer stations and construction and demolition waste disposal sites*. These provisions were moved from the reference document previously adopted by rule, and revised for clarity.

- IAC 567-Chapter 101.12(4) *Comprehensive plan updates for permitted monoester facilities.* This section contains provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(5) *Comprehensive plan updates for permitted monogenerator facilities.* This section contains provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(6) *Comprehensive plan updates for permitted incinerators.* This section contains provisions from the existing chapter, as well as provisions moved from the reference document, previously adopted by rule. Provisions were revised for clarity.
- IAC 567-Chapter 101.12(7) *Comprehensive plan amendments.* A provision from the reference document, previously adopted by rule, relating to a city or county joining a planning area was moved to this section. Other minor revisions were made for clarity.
- IAC 567-Chapter 101.12(8) *Failure to meet the 25 percent waste volume reduction and recycling goal.* Standard operating procedures related to the implementation of a base price for solid waste collection was added to this section. Other minor revisions were made for clarity.

**567—101.13(455B,455D) Fees for disposal of solid waste at sanitary landfills.**

- IAC 567-Chapter 101.13(3) *Fee schedule.* Revisions to this section were made in accordance with the provisions of House File 722 signed into law on May 7, 2001. Other revisions were made for clarity.

The Commission will be requested to approve this Notice of Intended Action at its February meeting.

<b>INFORMATIONAL ONLY</b>
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**BEVERAGE CONTAINERS CONTROL ACT**

Jeff Geerts, Energy and Waste Management Bureau presented the following item.

The purpose of this information item is to provide an update to the Commission regarding the Beverage Containers Control Act, commonly known as the “bottle bill”.

Pursuant to Code of Iowa Chapter 455C and Iowa Administrative Code (IAC) Section 567—107.4, the Department of Natural Resources is directed to determine if a redemption center proposing to accept beverage containers on behalf of a dealer (retailer), can be certified as an “approved redemption center” for the dealer. Issuance of this certification allows a redemption center to alleviate a dealer of the responsibility to accept and redeem beverage containers that are

addressed in the beverage container deposit law. The department has been responsible for making these determinations over the past 25 years.

Code of Iowa Subsection 455C.6(3) requires the department to certify a redemption center as being approved "...if it finds that the redemption center will provide a convenient service to consumers for the return of empty beverage containers." This convenience factor is addressed in several provisions of IAC Subsection 567—107.4(1). However, with the exception of operational hours, the rules do not provide specificity. Accessibility in terms of distance is implied in the rules by requiring an applicant to provide, "Distance, in blocks or other appropriate measure, from the redemption center to each dealer to be served by the redemption center." Furthermore, applicants must provide, "Reasons why the redemption center and the dealers to be served by it believe that the redemption center will provide a convenient service to consumers."

Each application for a proposed "approved redemption center" has to be reviewed on its own individual merits in regards to consumer convenience. The following guidance is the general criteria included in the department's consideration when determining whether to certify or deny a proposed "approved redemption center":

#### Beverage Container Deposit Program Implementation Guidance

The following information is provided to inform stakeholders of the criteria considered when evaluating whether a redemption center will provide a convenient alternative to a retail (dealer) location.

- The redemption center is no more than 1-mile from the dealer or is determined by the department to be convenient to the population served by the dealer.
- The redemption center meets the minimum.
- hours of operation required by Iowa Administrative Code.
- The redemption center has capacity for dealer's containers and customers.
- The redemption center has staff available during operating hours if reverse vending machines are used.
- The redemption center is compliant with American Disabilities Act or assists customers needing assistance.
- The redemption center is no more than ¼-mile from public transportation that serves the dealer's customers in communities where public transportation is available.

Since November 2004, redemption centers have applied on behalf of approximately 60 retailers across Iowa to become an approved redemption center so that the retailer is exempted from having to accept deposit containers for refund.

Jeff Geerts explained the process of following the nickel (container deposit fee):

1. The distributor charges \$0.05 for each container delivered to the retailer.
2. The retailer charges you \$0.05 when you buy the product.
3. You get the \$0.05 back from the retailer (or redemption center) when you take in empties.
4. The empties are picked up by the distributor who pays \$0.05 plus a \$0.01 handling fee for each container.

<b>INFORMATIONAL ONLY</b>
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### **CONTRACT – UNIVERSITY HYGENIC LABORATORY – 2004 COOPERATIVE GROUNDWATER NETWORK**

Mary Skopec, Section Supervisor of the Water Monitoring Section presented the following item.

The Department requests Commission approval of a contract for University Hygienic Laboratory analytical services totaling \$120,730 for the time period of July 1, 2004 through March 1, 2005. The contract is titled: 2004 Cooperative Groundwater Network.

This program is designed to identify water quality trends, identify emerging issues, and document water quality from important aquifers in situations that are both identified as vulnerable and protected by natural conditions throughout Iowa. The purpose of this contract is to obtain chemical analyses from an established network of 90 wells monitored through the past decade as part of a cooperative program between the Iowa Department of Natural Resources (Geological Survey Bureau) and the U.S. Geological Survey (USGS). Existing wells are sampled by USGS staff and brought to the UHL for analysis. In addition, sixty randomly selected wells are chosen from a different aquifer system each year, this year those wells will be chosen from the alluvial aquifer systems in the state. These sixty new wells are rotated from year to year between various groundwater resources of interest and help to identify any existing or potential threats to the water quality in these aquifers. Results from all the samples are published in an annual USGS data publication. Results from the past 10 years are being used to produce a report describing water quality trends. All data will be reported to both the national United States Geological Survey database and in Iowa's STORET database, where it is available to the public on the internet.

Funding for this contract is available from infrastructure state funds as a part of the Environment First Fund.



**Table 1. List of Tests Performed on Groundwater Samples**

<b>General Quality</b>	<b>Water</b>	<b>Nutrients</b>	<b>Organophosphate Insecticides</b>	<b>Chlorinated Hydrocarbon Insecticides</b>	<b>Regulated and Unregulated (Volatile Compounds) VOCs Organic</b>
Specific Conductance		Ammonia-N (N-series)	Terbufos (Counter)	Aldrin	benzene
pH		NO <sub>2</sub> +NO <sub>3</sub> -N (N-series)	Fonofos (Dyfonate)	alpha, beta, delta-BHC	carbon tetrachloride
Dissolved Oxygen		Organic-N (N-series)	Chlorpyrifos (Lorshan)	Lindane (gamma-BHC)	1,2-dichlorethane
Total Hardness		Total P	Ethoprop (Mocap)	DDD	trichlorethylene
Alkalinity		Dissolved Ortho P	Phorate (Thimet)	DDE	1,1-dichloroethylene
Total Dissolved Solids		TOC	Carbofuran	DDT	1,1,1-trichloroethane
		TSS	Malathion	Methoxychlor	para-dichlorobenzene
<b>Metals</b>		Turbidity	Dimethoate	Dieldrin	vinyl chloride
Dissolved Iron			Dichlorvos	Endosulfan I	cis-1,2-dichloroethylene
Dissolved Manganese		<b>Common Herbicides</b>	Disulfoton	Endosulfan II	1,2-dichloropropane
Dissolved Calcium		Atrazine	Diazinon	Endosulfan sulfate	ethyl benzene
Dissolved Magnesium		Cyanazine (Bladex)	Isofenphos	Endrin	chlorobenzene
Dissolved Sodium		Metolachlor (Dual)	Methyl parathion	Endrin aldehyde	o-dichlorobenzene
Dissolved Potassium		Alachlor (Lasso)	Parathion (Ethyl Parathion)	Endrin ketone	styrene
Dissolved Fluoride		Metribuzin (Sencor)		Heptachlor	tetrachloroethylene
Dissolved Silica		Butylate (Sutan)	<b>Acid Herbicides</b>	Heptachlor epoxide	toluene
Dissolved Chloride		Trifluralin (Treflan)	2,4-D	Chlordane	(m+p) + (o) xylenes
Dissolved Sulfate		Acetochlor	Dicamba	Toxaphene	dichloromethane
Total Cyanide		Deethyl Atrazine	Silvex		trans-1,2-dichloroethylene
Beryllium		Deisopropyl Atrazine	Picloram		1,1,2-trichloroethane
Cadmium			Bentazon	<b>Radionuclides</b>	1,2,4-trichlorobenzene
Total Chromium		<b>Extended Herb. List</b>	2,4,5-T	Gross Alpha	chloroform
Copper		Prometon	2,4-DB	Gross Beta	bromodichloromethane
Lead		Simazine	Acifluorfen	Radium 226 & 228	chlorodibromomethane
Antimony		Ametryn	Bromoxynil		bromoform
Nickel		EPTC (Eptam)	Chloramben		m-dichlorobenzene
Selenium		Propachlor	Chlorthal-dimethyl		dibromomethane
Thallium		Propazine	Dichlorprop		1,1-dichloropropene
Zinc		Dimethenamid	Dinoseb		1,1-dichloroethane
Silver		Bromacil	Pentachlorophenol		1,1,2,2-tetrachloroethane
Arsenic		Butachlor	Triclopyr		1,3-dichloropropane
Dissolved Strontium		Carbaryl (Sevin)			chloromethane
Dissolved Aluminum		Clomazone			bromomethane
Dissolved Barium		Pendimethalin (Prowl)			1,2,3-trichloropropane
Dissolved Boron		Triallate			chloroethane
Dissolved Mercury		Carbofuran (Furadon)			2,2-dichloropropane
					o-chlorotoluene
					p-chlorotoluene
					Bromobenzene
					Cis & Trans 1,3-dichloropropene
					1,1,1,2-tetrachloroethane
					Methyl tertiary butyl ether (MtBe)

**Table 2. Regular Fixed Well Network (90 wells)**

<b>Date Drilled</b>	<b>Well Name</b>	<b>County</b>
1949	Albert City 1	Buena Vista
1995	Armstrong 7	Emmet
1961	Belle Plaine 4	Tama
1960	Blockton 1	Taylor
1971	Blue Grass (2),1	Scott
1940	Boone 20	Boone
1976	Brayton 1	Audubon
1956	Camanche 2	Clinton
1979	Carlisle 5	Polk
1975	Carson (5) 3	Pottawattamie
1970	Cedar Rapids S6	Linn
1996	Cherokee 10	Cherokee
1962	Conrad 3	Grundy
1938	Coon Rapids 1, Nor	Carroll
1927	Correctionville 1	Woodbury
1978	Cumberland (5) 4	Cass
1921	Cumberland 1	Cass
1923	De Witt 3	Clinton
1972	Decorah 6	Winneshiek
1969	Dubuque 9	Dubuque
1952	Eagle Grove 3	Wright
1968	East Amana 2	Iowa
1995	Eddyville 3	Wapello
1929	Eldridge 2	Scott
1954	Elgin 2	Fayette
1994	Fairfield 94-1	Jefferson
1980	Farragut 79-2 (Nor	Fremont
1976	Fontanelle 5	Adair
1934	Forest City 2	Winnebago
1931	Fort Dodge 12	Webster
1991	Fort Madison 4	Lee
1964	Goodell 1	Hancock
1975	Grandview 3	Louisa
1948	Greene1	Butler
1955	Grinnell 7	Poweshiek
1931	Hawarden 2	Sioux
1985	Holstein 3	Ida
1987	Holy Cross 1	Dubuque
1965	Ida Grove 3	Ida
1957	Jesup 2	Buchanan
1943	Keota 2	Keokuk
1956	Kingsley 1	Plymouth
1934	Klemme 1	Hancock
1959	Klemme 2	Hancock
1952	Ladora 1	Iowa
1988	Lester (4) 2	Lyon
1968	Lime Springs 2	Howard

1966	Linden 3	Dallas
1981	Manchester 7	Delaware
1973	Mapleton 5	Monona
1981	Marshalltown 14	Marshall
1977	Marshalltown 8	Marshall
1951	Mondamin 2, South	Harrison
1977	Monticello 4	Jones
1955	Newton 13	Jasper
1990	Nodaway 4	Adams
1964	Osage 5	Mitchell
1987	Perry 9R	Dallas
1967	Pilot Mound 3	Boone
1967	Quimby 1	Cherokee
1917	Riceville 1	Mitchell
1961	Riverside 5	Washington
1956	Russell 1	Lucas
1895	Sabula 1	Jackson
1960	Saint Ansgar 2	Mitchell
1985	Shambaugh 3	Page
1956	Sheffield 2	Franklin
1968	Shelby 5	Shelby
1949	Sheldon 5	O'Brien
1932	Shellsburg 2	Benton
1978	Silver City 3	Mills
1971	Sioux City River 4	Woodbury
1977	Sioux Rapids 2	Buena Vista
1945	Slater 1	Story
1953	Stanton 1	Montgomery
1948	Stockton 1	Muscatine
1966	Tama 5	Tama
1894	Traer 2	Tama
1936	Vail (1),2	Crawford
1971	Wall Lake 3	Sac
1960	Waterloo 17	Black Hawk
1899	Waukon 2	Allamakee
1960	Wellsburg 1	Grundy
1949	West Bend 2	Palo Alto
1979	West Branch 4	Cedar
1957	West Chester 1	Washington

Francis Thicke asked what the department does when they find any sort of contamination in the wells.

Mary Skopec said that this information is available to our drinking water section, they can use it to go back and talk to those folks. It is not a part of a regulatory frame work, rather to make decisions about future use.

*Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.*

<b>APPROVED AS PRESENTED</b>
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**CONTRACT – WILLIAMS AND COMPANY, CPA, P.C.**

Charles C. Corell, Chief of the Water Quality Bureau presented the following item.

The Environmental Protection Commission is requested to approve the extension of the agreement between the Department and Williams and Company, CPA, P.C. as the “Onsite Wastewater Assistance Fund (OSWAF) Financial Agent.” The contract initially signed in April of 2002, expires on March 31, 2005. The contract stipulates that it may be extended by mutual consent for two-year intervals.

This is a contract for a CPA agency to manage the distribution and collection of funds for the onsite wastewater revolving loan program. The agency is paid a monthly stipend, an amount per loan issued, a hourly operating account management fee, out of pocket costs and a bond premium. The total maximum not-to-exceed amount for the two-year period of this contract extension will be \$100,370.

In the first three years of this contract, approximately 250 loans have been made to individuals for the upgrading of their private sewer systems. These loans have averaged \$5,500 per loan. The loans are through local banks for a period of ten years at a 3% interest rate. We anticipate making about 100-150 loans per year under this grant extension. We plan to initiate additional promotional programs to encourage the use of this revolving loan fund.

Williams and Company has done an excellent job with this program. We have not only been satisfied, but have received nothing but positive comments from other stakeholders. There is no proposal to alter payment rates, however, based on the first three years’ experience, changes have been made in the volume of business parameters. The Project Officer will become Dan Olson, Environmental Specialist, Wastewater Operations Section, and the contract effect date will be April 1, 2005 to March 31, 2007.

Lisa Davis Cook asked why Iowa Finance Authority couldn’t do this?

Chuck Corell said that they did contact IFA and asked about doing this, they considered it, but in the mean time the contract came up for renewal and we had to get this out to you for approval. We would like IFA to handle future contracts.

<i>Motion was made by Jerry Peckumn to approve the contract as presented. Seconded by Terry Townsend. Motion carried unanimously.</i>
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<b>APPROVED AS PRESENTED</b>
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## **CLEAN WATER STATE REVOLVING LOAN FUND – 2005 INTENDED USE PLAN THIRD QUARTER UPDATE**

Wayne Farrand, Supervisor of the Wastewater Construction Permitting presented the following item.

For the first time, Commission approval of a quarterly update to the Clean Water State Revolving Fund Intended Use Plan (IUP) for 2005 is requested. The Commission approved the FY 2005 IUP in September 2004. As part of its SRF process improvements, the Iowa DNR has begun to accept project applications on a continuous basis rather than once per year. With Commission approval, these projects will be placed on the IUP through quarterly updates and readied for funding on a more timely basis.

The Third Quarter Update of the FY 2005 IUP includes the amended list of projects proposed to receive loan assistance through the Clean Water State Revolving Fund. Eleven projects totaling \$7.0M were added to the fundable list of projects for FY 2005 in the original IUP. Fourteen additional projects totaling \$12.3M are included in this Third Quarter Update (see attached Appendix B).

Since the original 2005 IUP was approved, 16 projects on the project priority list have signed binding loan agreements totaling \$19.3M. Currently, there is \$98.7M available for loans in the CWSRF, with pending projects totaling \$86.0M. As shown on Appendix A, attached, the available funding includes the pending 2004 federal capitalization grant and state matching funds for 2003 and 2004. These figures indicate a close match between available funds and funds requested for projects.

The IUP also includes four non-point set-asides. Iowa statute allows the SRF to be used for non-point pollution prevention and abatement projects. Three set-asides were previously established with designated amounts. The General Non-point Source set-aside was established last year but rules call for applications to be received to establish a set-aside amount. This Third Quarter Update to the IUP establishes an amount for this set-aside based on the receipt of one application for \$195,000.

A public meeting was held on December 6, 2004, to allow opportunity for input on the proposed Third Quarter Update to the IUP. No oral or written comments were received.

Donna Buell asked about the \$91.5M in Equity Fund loans that are uncommitted.

Wayne Farrand said that the uncommitted funds means that it has not been committed in loans. When a loan project applies for a loan, we put it on the intended use plan, it needs to be reviewed and at some point approved. Then we can enter into a loan agreement, at this point it is committed money. Until it is approved it is uncommitted. It becomes committed once we approve a project and then sign the loan agreement.

**WPCSRF FUND SOURCES AND USES****SOURCES:**

Prior Bond Proceeds	\$9,048,861
Undisbursed Capitalization Grants	\$18,693,580
Undisbursed OSWAF Cap Grant / Match	\$448,981
Pending 2004 Capitalization Grant	\$17,936,523
Pending State Match for 2003 Capitalization Grant	\$3,585,146
Pending State Match for 2004 Capitalization Grant	\$3,587,305
Equity Fund	\$95,463,233
<b>TOTAL</b>	<b>\$148,763,629</b>

**USES:**

Construction Fund loans - undisbursed	\$8,679,797
Construction Fund loans - uncommitted	\$7,172,402
Equity Fund loans - undisbursed	\$32,605,320
Equity Fund loans - uncommitted	\$91,522,820
On-site Wastewater Assistance Loans	\$448,981
Non-point Source Program Assistance	\$6,195,000
Program Set-Asides/Administration	\$2,139,309
<b>TOTAL</b>	<b>\$148,763,629</b>

12/31/2004

**WPCSRF FY 05 SECTION 212  
PROJECT PRIORITY RANKING LIST**

<b><u>Added to IUP</u></b>	<b><u>Points</u></b>	<b><u>Project</u></b>	<b><u>Project Amount</u></b>
Segmented Projects	105	Eagle Grove 03	\$379,000
	105	Walford 02	\$487,000
Pre-April 1 Applicants	181	Hudson	\$606,000
	118	Sherrill	\$554,000

	101	Lester	\$374,000
	101	Rolfe	\$865,000
	96	Sutherland	\$901,000
	92	Victor	\$675,000
	93	George	\$1,120,000
Post-April 1 Applicants	185	Panora	\$350,000
	109	Corydon	\$654,000
		<b>TOTAL Original FY 2005 IUP</b>	<b>\$6,965,000</b>
Q3 Applicants	150	Hartley 02	\$432,000
	190	Toledo	\$1,587,000
	168	Camanche	\$467,000
	152	Ruthven	\$1,077,000
	149	Laurens	\$1,161,000
	111	Humeston	\$168,000
	99	Mount Ayr	\$2,250,000
	94	Williamsburg	\$855,000
	94	Sheffield	\$1,180,000
	93	Gowrie	\$1,424,000
	93	Primghar	\$620,000
	74	Arcadia	\$243,000
	63	Royal	\$301,000
	38	Milton	\$488,000
		<b>TOTAL Third Quarter Update</b>	<b>\$12,253,000</b>
		<b>TOTAL New FY 2005 IUP</b>	<b>\$19,218,000</b>

Jerry Peckumn asked if we are going to receive the pending 2004 capitalization grant.

Wayne Farrand said that it is available for us especially when we need it.

*Motion was made by Terry Townsend to approve the Clean Water SRF Intended Use Plan as presented. Seconded by Jerry Peckumn. Motion carried unanimously.*

**APPROVED AS PRESENTED**

**NOTICE OF INTENDED ACTION - MAJOR NEW SOURCE REVIEW RULES: CHAPTERS 20, 22, 31 AND 33**

Jim McGraw, Supervisor of the Program Development Section presented the following item.

The department is requesting permission to proceed with the rulemaking process and publish a Notice of Intended Action to amend Chapter 20 "Scope of Title-Definitions-Forms-Rules of Practice," Chapter 22 "Controlling Pollution," Chapter 31 "Nonattainment Areas," and to adopt a new Chapter 33 "Special Regulations and Construction Permit Requirements for Major Stationary Sources – Prevention of Significant Deterioration (PSD) and Nonattainment Area Rules" of the 567 Iowa Administrative Code.

On December 31, 2002, the U.S. Environmental Protection Agency (EPA) promulgated revisions to the Nonattainment New Source Review (NSR) provisions in 40 CFR Part 51.165 and the Prevention of Significant Deterioration (PSD) provisions for attainment area NSR in 40 CFR Part 51.166. Additional background regarding this rule promulgation is contained in the attached rule preamble. The department has until January 6, 2006, to adopt these rules and submit a request to EPA to incorporate the adopted rules into the Iowa State Implementation Plan (SIP).

On March 30, 2004, the department convened a technical workgroup (facilitated by the Department of Economic Development) to review the elements of the major NSR program affected by this rulemaking. The workgroup was tasked with making recommendations to the department regarding the adoption of the federal rulemaking into the Iowa Administrative Code. The workgroup was composed of affected stakeholders who have experience and knowledge of the major NSR program and was supported by permitting staff from the department. The recommendations of the workgroup and the department's actions regarding the recommendations are summarized in the attached "NSR Reform Workgroup Recommendation Summary" document.

The consensus reached by the workgroup was that the text of EPA's major NSR rules should be adopted directly into the Iowa Administrative Code, rather than adopted by reference. Adoption of the major NSR rules directly into the Iowa Administrative Code allows the user to access the rules directly in the Iowa Administrative Code instead of referring to the applicable Code of Federal Regulations. This approach also allows the department to reorganize and consolidate portions of the major NSR rules to make them easier for the regulated public to understand and implement. An additional benefit of this approach is that the major NSR rules become the department's rules, thereby giving the department more flexibility in the implementation of rule provisions that could be subject to interpretation. The ability of the department to have additional flexibility to address interpretative issues on a case-specific basis was a feature desired by many of the workgroup members.

The workgroup members also recommended nine changes to the federal rules that should be considered during the adoption process. After consideration of the workgroup's recommendations, the department concurred with five of the nine recommendations. As noted in the attached "NSR Reform Workgroup Recommendation Summary" document, only one of these recommendations resulted in a change to the text of the EPA's major NSR rules. The



workgroup's recommendations and the department's actions regarding each recommendation are summarized in Table 1.

This NOIA was presented to the Commission last month in an information item. Only minor, administrative changes to dates and federal rule citations were made after the NOIA was presented for information. The proposed rulemaking consists of the following:

- Amend rule 20.1 to refer to new chapter 33 for special requirements for major stationary sources.
- Amend rule 22.4 to refer to new Chapter 33, and rescind subrules 22.4(1), 22.4(2), 22.4(3), and 22.4(4).
- Amend rule 22.5 to refer to new Chapter 33 and rescind subrules 22.5(1), 22.5(2), 22.5(3), 22.5(4), 22.5(5), 22.5(6) 22.5(7), 22.5(8), 22.5(9) and 22.5(10).
- Rescind rule 22.6 (these rules will now be located in new Chapter 33).
- Amend rule 31.1 to refer to new Chapter 33.
- Adopt a new Chapter 33 "Special Regulations and Construction Permit Requirements for Major Stationary Sources-Prevention of Significant Deterioration (PSD) and Nonattainment Area Rules." The new chapter will contain state rules to meet federal requirements for federally approved state air permitting programs under 40 CFR 51.165 [Permit requirements (for major sources located in nonattainment areas)] and 40 CFR 51.166 [Prevention of significant deterioration (PSD) of air quality (for major sources located in areas designated attainment or unclassified)]. Because EPA recently made significant and voluminous changes to 40 CFR 51.165 and 51.166, the department determined that a new chapter would best accommodate these changes. The new chapter will replace the existing requirements contained in rules 22.4, 22.5 and 22.6.

The proposed adoption of the new Chapter 33 will include the following rules:

- **33.1(455B) Purpose.** This rule will explain the chapter's purpose in implementing the special construction permitting requirements for new major stationary sources or modifications at existing major stationary sources. For areas of the state designated attainment or unclassified, these facilities are subject to prevention of significant deterioration (PSD) requirements. Facilities that are located in, or will locate in, an area of the state classified as nonattainment are subject to specific permitting requirements for those areas. Many of the requirements, including the definitions, are identical for the PSD and nonattainment area programs. However, there are also definitions and requirements that are unique to each program.
- **33.2(455B) Definitions.** The definitions included in this rule are applicable to both the PSD and nonattainment programs, except as otherwise specified. Some definitions that are specific to each program are contained in rules 33.3 and 33.4. Additionally, definitions specific to Plantwide Applicability Limitations (PALs) are contained in subrule 33.9.
- **33.3(455B) Special construction permit requirements for major stationary sources in areas designated attainment or unclassified (PSD).** This rule will include definitions unique to the PSD program, applicability of the PSD program, and other requirements specific to the PSD program. These rules will replace the rules currently contained under 567 IAC 22.4.

- **33.4(455B) Special construction permit requirements in nonattainment areas.** This rule will include the definitions unique to the nonattainment area program, applicability of the program, and other requirements specific to the nonattainment area program. These rules will replace the rules currently contained under 567 IAC 22.5.
- **33.5(455B) Nonattainment area designations.** This rule explains how to obtain a list of Iowa's nonattainment area designations. The text of this rule is taken from the text currently contained in 567 IAC 22.6, and replaces that rule.
- **33.6(455B) Clean Unit Test for emission units that are subject to BACT or LAER.** The owner or operator of a major stationary source may choose the option of using the Clean Unit Test, provided that they follow the requirements in this rule. The Clean Unit test may be used to determine whether emissions increases at a Clean Unit are part of a project that is a major modification. Except as specified in this rule, the requirements for this Clean Unit Test are applicable to both the PSD and nonattainment area programs.
- **33.7(455B) Clean Unit provisions for emission units that achieve an emission limitation comparable to BACT or LAER.** If an emission unit at a major stationary source does not qualify as a Clean Unit under rule 33.5, it may apply the conditions in this rule to determine if the emission unit is achieving a level of emission control comparable to BACT or LAER. Except as otherwise specified in the rule, the requirements are applicable to both PSD and nonattainment area programs.
- **33.8(455B) Pollution control project (PCP) exclusion procedural requirements.** This rule provides major stationary sources that undertake a pollution control project (PCP) at an existing emission unit to be excluded from PSD or nonattainment area requirements, provided the conditions in this rule are met. Except as otherwise specified, the PCP exclusion procedures are the same for PSD and nonattainment area requirements.
- **33.9(455B) Plantwide applicability limitations (PALs).** This rule provides any existing major source the option of establishing a plantwide applicability limitation (PAL) on emissions, provided the conditions in this rule are met. Except as otherwise specified, the PAL requirements apply to both PSD and nonattainment area programs.

**Table 1. Summary of Workgroup Recommendations and Department Actions**

Issue	Workgroup recommendation	Department Action
Define extent quantifiable as related to fugitive emissions.	Make no changes to EPA rules on this topic.	Concur.
Define adequate/inadequate information for determining annual emissions.	Make no changes to EPA rules on this topic.	Concur.
Startup, Shutdown and Malfunction (SSM) as related to baseline actual and projected actual emissions.	Wording in the rulemaking should indicate "unless there is evidence to the contrary, startup, shutdown, and malfunction emissions before and after a project shall be assumed to be equal."	Identified several instances where the SSMs may not be equal before or after a project for either baseline actual emissions or projected actual emissions. Recommendation not implemented.
Issue of including or excluding	Include the following: "The 12	Included in 33.2(2)"a" as

partial month records based on the day the emissions unit resumes regular operation.	month period for calculating post change actual emissions begins on the first day of the month following the date when the emissions unit resumes regular operation.”	“...beginning on the first day of the month following the date when the unit commences or resumes...
Consideration of defining the concepts of “Debottlenecking,” “Increased Utilization, and “Related to the Project” for Actual to Projected Actual tests.	Include definition of debottlenecking in the rules.	Recommendation not implemented due to concerns regarding PSD rule circumvention and exclusion of emissions changes from environmental impact review under PSD.
Contemporaneous period for netting.	Make no changes to EPA rules on this topic.	Concur. The department will continue to follow the current practice of using a five year contemporaneous period.
Availability of records to the general public regarding the applicability test applied.	Make plant records that are required to be maintained in 33.3(18)“g” accessible to the general public only through the department.	Would create unintended administrative burden on department and is counter to intent of EPA’s rules. Recommendation not implemented.
Definition of a legally enforceable emission factor.	Make no changes to EPA rules on this topic.	Concur.
Consequences to a source that exceeds its projected actual emissions.	Suggested several steps that could be taken at discretion of facility to remedy actual or anticipated exceedances of projected actual emissions.	Workgroup proposal did not include rule change. No action necessary. Exceedances of the projected actual emissions will be considered on a case-by-case basis using existing compliance and enforcement mechanisms.

There have been some date changes in the rule. Changes are highlighted in bold.

Any person may make written suggestions or comments on the proposed amendments on or before **March 25, 2005**. Written comments should be directed to Christine Paulson, Department of Natural Resources, Air Quality Bureau, 7900 Hickman Road, Suite 1, Urbandale, Iowa, 50322, fax (515) 242-5094, or by electronic mail to christine.paulson@dnr.state.ia.us.

An informational meeting will be held from **10:00 A.M. to 12:00 P.M. on Thursday, February 17, 2005**, in the conference rooms at the department’s Air Quality Bureau office located at 7900 Hickman Road, Urbandale, Iowa. At the informational meeting, department staff will be available to answer questions on any of the proposed rule revisions.

A public hearing will be held on **Friday, March 18, 2005, at 10:00 AM** in the conference rooms at the department’s Air Quality Bureau office located at 7900 Hickman Road, Urbandale, Iowa. A second public hearing will be held on **Wednesday, March 23, 2005 at 1:00 PM** in the Gritter Room of Iowa Hall at Kirkwood Community College in Cedar Rapids, Iowa. Comments may be submitted orally or in writing at either of these public hearings. All comments must be received no later than **March 25, 2005**.

Lisa Davis Cook stated that she would like to see more environmental representatives involved in future workgroups.

Catharine Fitzsimmons said that she will work harder in the future to include a more diverse group of stakeholders.

*Motion was made by Terry Townsend to approve the NOIA as presented. Seconded by Heidi Vittetoe. Motion carried unanimously.*

**APPROVED AS PRESENTED**

## **PROPOSED RULE - AIR QUALITY PROGRAM RULES CHAPTERS 20, 21, 22, 23 AND 25, UPDATES, REVISIONS, AND ADDITIONS**

Christine Paulson, Senior Environmental Specialist in Program Development Section, Air Quality Bureau

The attached Notice of Intended Action to amend Chapter 20 “Scope of Title-Definitions-Forms-Rules of Practice,” Chapter 21 “Compliance,” Chapter 22 “Controlling Pollution,” Chapter 23 “Emission Standards for Contaminants,” and Chapter 25 “Measurement of Emissions” of the 567 Iowa Administrative Code is being presented to the Environmental Protection Commission for information. At the February Commission meeting, approval to proceed with the rulemaking process and publish a notice of intended action on these proposed rule amendments will be requested. Public hearings have not yet been set.

This rulemaking provides the following updates, revisions, and additions:

- Makes date modifications throughout Chapters 20, 22, 23 and 25 to reference the most recent date for which changes to 40 Code of Federal Regulations, Parts 51, 52, 60, 61, 63, 70, 72, 73, 75, 76, 77 and 78 were published. The substantive amendments with the date changes to the federal rules include:
  - 40 CFR Part 51. The definition of Volatile Organic Compound (VOC) was amended to exclude four previously listed compounds.
  - 40 CFR Part 63 (63.63). On November 29, 2004, EPA deleted the substance ethylene glycol monobutyl ether from the list of hazardous air pollutants (HAPs).
  - 40 CFR Part 63 [National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines]. EPA issued a stay on the effectiveness of rule requirements for two subcategories of turbines – lean premix gas-fired turbines and diffusion flame gas-fired turbines. The stay is pending the outcome of EPA’s proposal to delete these subcategories from the rule.
  - 40 CFR Part 63 [NESHAP: Solvent Extraction for Vegetable Oil Production]. A CFR amendment published November 1, 2004 will amend the compliance requirements for vegetable oil production processes that exclusively use a qualifying low-HAP extraction

solvent. The amendments allow only the necessary recordkeeping and reporting requirements as the compliance option for these qualifying processes.

- Adds a definition in Chapter 20, under rule 20.2 for “untreated” as it relates to wood, seeds, pellets and other vegetative matter. This definition is being added to clarify that untreated wood does not include wood or wood products that have been painted, pigment-stained, or pressure treated by compounds such as chromate copper acetate, pentachlorophenol or creosote. Untreated seeds, pellets or other vegetative matter does not include those materials that have been treated with pesticides.
- Provides clarification in Chapter 21, under the Variance rules under paragraph 21.2(3)”a”. These are the provisions for granting a variance for the purpose of testing an alternative fuel. This change will more clearly explain that a project subject to certain federal requirements may not obtain a variance from air quality rules. This change was made at the request of EPA.
- Provides clarification in Chapter 22 under subrule 22.1(3) for construction permit applications. This rule specifies the qualifications for engineers preparing and submitting applications. The proposed rules replace the word “registered” with the word “licensed.” This change is to make the wording consistent with Iowa Code 542B.1, in which “registered” was replaced with “licensed” in 1995. The proposed rules now require that engineers submitting applications be professional engineers licensed in the state, or be full-time employees of the corporation submitting the application, consistent with the provisions of Iowa Code 542B.26.
- Amends the definition of “hazardous air pollutant” under the Title V rules in rule 22.100. On November 29, 2004, EPA published a final rule to delete ethylene glycol ether from the list of HAPs. The proposed change to 22.100 will state that ethylene glycol ether is no longer included in the group of glycol ethers that are considered to be HAPs.
- Changes the requirements for submitting Title V Operating Permit applications, under rule 22.105, to reduce the number of copies required from four copies to three copies, and to specify the offices where each copy must be mailed.
- Changes the requirements under subrule 22.128(4) for Acid Rain applications to reduce the number of copies required to be submitted from four copies to three copies.
- Adds a new rule 22.209 to specify the information that must be submitted when there is a change of ownership for a facility with a voluntary operating permit.
- Adds a new rule 22.300 to specify the information that must be submitted when there is a change in ownership for a facility with an operating permit by rule for small sources.
- Adopts by reference four recently promulgated federal National Emission Standards for Hazardous Air Pollutants (NESHAPS).

<b>INFORMATIONAL ONLY</b>
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**PROPOSED CONTESTED CASE DECISION - CREST COUNTRY INN**

Ed J. Tormey, Chief of the Legal Services Bureau presented the following item.

On February 27, 2004, the department issued Administrative Order No. 2004-WW-09 to Crest Country Inn. The order was issued because of Crest Country Inn's failure to monitor its wastewater facility and to submit reports required by its permit. The order required Crest Country Inn to comply with applicable wastewater requirements and pay a penalty of \$1,000.00. That action was appealed by Crest Country Inn (Appellant) and a hearing was scheduled for September 22, 2004. However, because Appellant failed to file a petition when required by the administrative law judge, the DNR filed a Motion for Default Judgment on September 9, 2004. On September 17, 2004, an Entry of Default and Order for Dismissal was issued and served on Appellant.

On or about September 21, 2004, Appellant's newly retained attorney filed a Motion to Set Aside Default, setting out reasons for Appellant's failure to timely file a petition. After consideration of both parties' arguments on this matter, the administrative law judge issued a Proposed Decision on October 12, 2004 denying Appellant's Motion to Set Aside Default. In essence, the judge upheld the earlier entry of default in this matter.

The Appellant has not appealed this Proposed Decision. In the absence of an appeal the Commission may decide on its own motion to review the Proposed Decision. If there is no review of the Proposed Decision, it automatically becomes the final decision of the agency.

<b>NO ACTION TAKEN</b>
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**MONTHLY REPORTS**

Wayne Gieselman, Division Administrator, Environmental Protection Division, presented the following items.

The following monthly reports are enclosed with the agenda for the Commission's information.

1. Rulemaking Status Report
2. Variance Report
3. Hazardous Substance/Emergency Response Report
4. Manure Releases Report
5. Enforcement Status Report
6. Administrative Penalty Report
7. Attorney General Referrals Report
8. Contested Case Status Report

## 9. Waste Water By-passes Report

## Rulemaking Status Report

Proposal	Notice to Commission	Notice Published	Arc #	Rules Review Committee	Hearing	Comment Period	Final Summary to Commission	Rules Adopted	Rules Published	Arc #	Rules Review Committee	Rules Effective
1. Ch. 20, 22, 31 and 33 – Major New Source Review Rules	1/18/05	*2/16/04		*3/02/05			*4/18/05	*4/18/05	*5/11/05		*6/06/05	*6/15/05
2. Ch. 22 – Special Requirements for Visibility Protection; Best Available Retrofit Technology (BART)	11/15/04	12/08/04	3871B	1/04/05	1/14/05	1/14/05	*2/21/05	*2/21/05	*3/16/05		*4/05/05	*4/20/05
3. Ch. 23 – Controlled Burning of Demolished Buildings	11/15/04	12/08/04	3872B	1/04/05	1/10/05	1/17/05	*2/21/05	*2/21/05	*3/16/05		*4/05/05	*4/20/05
4. Ch. 53 – Protected Water Source	1/18/05	*2/16/05		*3/02/05	*3/10/05	*3/17/05	*3/17/05	*4/18/05	*5/11/05		*6/06/05	*6/15/05
5. Ch. 60, 63, 64 & 65 – CAFO Regulations	9/20/04	10/13/04	3736B	11/09/04	11/05/04	11/05/04	*2/21/05	*1/21/05	*3/16/05		*4/05/05	*4/20/05
6. Ch. 65 – Definitions, Construction Permit Requirements, Master Matrix, Groundwater Determination	9/20/04	10/13/04	3735B	11/09/04	11/08/04	11/08/04	*2/21/05	*2/21/05	*3/16/05		*4/05/05	*4/20/05
7. Ch. 65 – Open Feedlots – Engineering Standards	11/15/04	12/08/04	3873B	*1/04/05	*1/05/05 *1/07/05	*2/21/05	*2/21/05	*3/16/05	*4/05/04		*4/20/05	*10/20/04
8. Ch. 65 – MMP Content Requirements; Phosphorous Index	10/18/04	11/10/04	3807B	12/14/04	12/03/04	12/03/04	1/18/05	*1/18/05	*2/16/05		*3/02/05	*3/25/05

## Monthly Variance Report

December, 2004

Item No.	Facility	Program	Engineer	Subject	Decision	Date
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1	Quad County Corn Processors	Air Quality		Maintenance on main boiler/wants to operate a temporary boiler	Approved	12/23/04
2	Sleep Hollow Enterprises	Water Supply	Van Winkle & Jacob	Wants to skip testing requirements	Approved	12/22/04
3	Central Iowa Power Coop CCR Disposal Landfill	Energy & Waste Mgmt	Montgomery Watson Harza	Future expansion of landfill in a flood plain	Approved	12/28/04
4	Rural Water System #1	Water Supply	Morrell Company	Design & construction of proposed well	Approved	12/15/04
5	City of Des Moines WRA	Wastewater Construction	Bishop Engineering	Wants to use trenchless method of installing sanitary sewer	Approved	12/17/04
6	Procter & Gamble	Air Quality		Temporary boiler	Approved	12/14/04
7	City of Cedar Falls STP	Wastewater Construction	Kirkham Michael Engineers	Install mechanically cleaned bars screen with 1/2" not 5/8"	Approved	12/10/04
8	Buena Vista County	Flood Plains	Calhoun-Burns & Assoc	Freeboard criterion	Approved	12/10/04
9	Scott Area Sanitary Landfill	Energy & Waste Mgmt		Storage of passenger tires	Approved	11/30/04
10	Alliant Energy - Ottumwa	Air Quality		Burn mixture of water & ethylene glycol in boiler #1	Approved	11/29/04
11	Alliant Energy	Air Quality		Nox testing	Denied	11/17/04
12	City of Davenport Compost Facility	Energy & Waste Mgmt	Preston Engineering Inc	Financial Assurance Requirements	Denied	12/01/04
13	Guardian Industries Corp	Air Quality		Use UV Gen II-S Solution to glass	Approved	12/04/04



**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Hazardous Conditions**

During the period December 1, 2004, through December 31, 2004, 49 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

Month	Total Incidents	Substance					Mode			
		Agri-chemical	Petroleum Products	Other Chemicals	Transport Facility	Fixed	Pipeline	Railroad	Fire	Other*
October	52 (73)	2 (11)	29 (45)	21 (17)	17 (21)	27 (41)	2 (2)	2 (1)	0 (3)	4 (5)
November	64 (70)	14 (9)	30 (42)	19 (19)	19 (20)	33 (39)	1 (1)	2 (1)	0 (1)	9 (8)
December	49 (51)	8 (10)	27 (29)	14 (12)	16 (21)	23 (27)	3 (0)	2 (0)	0 (1)	5 (2)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	<b>165 (194)</b>	<b>24 (30)</b>	<b>86 (116)</b>	<b>54 (48)</b>	<b>52 (62)</b>	<b>83 (107)</b>	<b>6 (3)</b>	<b>6 (2)</b>	<b>0 (5)</b>	<b>18 (15)</b>

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Month.

\*Other includes dumping, theft, vandalism and unknown

1	2	3	4	5	6
4	6	7	7	15	10

**Iowa Department of Natural Resources  
Environmental Services Division  
Report of Manure Releases**

During the period December 1, 2004, through December 31, 2004, 2 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

Month	Total Incidents	Feedlot	Confinement	Land Application	Transport	Hog	Cattle	Fowl	Other	Surface Water Impacts
October	15 (8)	0 (0)	6 (2)	6 (2)	3 (2)	13 (6)	2 (0)	0 (0)	0 (0)	2 (0)

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November	8 (5)	1 (0)	4 (2)	1 (2)	2 (1)	6 (5)	1 (0)	0 (0)	1 (0)	0 (0)
December	2 (4)	0 (0)	2 (2)	0 (0)	0 (2)	2 (3)	0 (0)	0 (1)	0 (0)	0 (1)
January	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
February	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
March	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
April	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
May	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
June	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
July	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
August	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
September	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)	0 (0)
<b>Total</b>	25 (17)	1 (0)	12 (6)	7 (4)	0 (0)	21 (14)	3 (0)	0 (1)	1 (0)	2 (1)

(numbers in parentheses for the same period last year)

Total Number of Incidents Per Field Office This Month.

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
0	0	1	0	1	0

**TO:** EPC

**FROM:** Ed Tormey

**RE:** Enforcement Report Update

The following new enforcement actions were taken last month:

Name, Location and Field Office Number	Program	Alleged Violation	Action	Date
MKKS, LLC, Urbandale, Windsor Heights, Des Moines, Pleasant Hill, West Des Moines (5) (5 AO's/5 sites)	Underground Tank	UST System Deficiencies	Order/Penalty \$4,600 \$6,500 \$4,600	11/30/04
N.O.O. Investment Co., Inc.; Valley Country Café, Cass Co. (4)	Drinking Water	Monitoring/Reporting – Bacteria, Nitrate; Public Notice; Operational Violations; Certified Operator	Order/Penalty \$5,000	12/02/04
Harlan, City of (4)	Wastewater	Compliance Schedule	Amended Order	12/02/04
Pleasant Hill, City of (5)	Wastewater	Construction Without Permit; Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$10,000	12/02/04
S. J. Louis Construction, Inc., Pleasant Hill (5)	Wastewater	Construction Without Permit; Stormwater – Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty \$5,000	12/02/04

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Randy Griffin, Jasper Co. (5)	Air Quality Waste	Solid	Open Burning; Illegal Disposal	Order/Penalty \$5,000	12/17/04
Delores B. Van Ohlen Trust; Ray Van Ohlen Trustee, Hamilton Co. (2)	Air Quality Waste	Solid	Open Burning; Illegal Disposal	Order/Penalty \$3,000	12/17/04
Oakdale Pullets Farm, Buena Vista Co. (3)	Animal Operation	Feeding	Failure to Submit plan	Order/Penalty \$3,000	12/17/04
Curt Tracy, Union Co. (4)	Animal Operation	Feeding	Failure to Update Plan	Order/Penalty \$750	12/17/04
Craig Faber; C & C Feedlot, Lyon Co. (3)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$1,500	12/17/04
Tom Erickson, Clayton Co. (1)	Animal Operation	Feeding	Failure to Submit Plan	Order/Penalty \$3,000	12/17/04
Guthrie Co. Rural Electric Coop Assoc.; Progressive Developments, Inc.; Lake Panorama Assoc., Guthrie Co. (4)	Air Quality		Open Burning	Order/Penalty \$500	12/17/04
Sam Raptis, Sioux City (3)	Underground Tank		Site Assessment	Consent Order	12/17/04
James Karthan, Clarke Co. (5)	Air Quality		Open Burning	Order/Penalty \$1,000	12/21/04
Russell Knobbe dba Knobbe Bros. Feedlot; Mello Knobbe, Carroll Co. (4)	Air Quality		Open Burning	Order/Penalty \$1,000	12/21/04
Wayne Staab, Plymouth Co. (3)	Air Quality		Open Burning	Order/Penalty \$1,000	12/21/04
Jerome Loutsch, Plymouth Co. (3)	Air Quality		Open Burning	Order/Penalty \$1,000	12/21/04
Monty Branstad, Winnebago Co. (2)	Air Quality Waste	Solid	Open Burning; Illegal Disposal	Order/Penalty \$8,000	12/21/04
Roquette America, Inc., Keokuk (6)	Wastewater		Operation Violations	Order/Penalty \$10,000	12/21/04
Mount Union, City of (6)	Wastewater		Prohibited Discharge	Order	12/21/04
Lawler, City of (1)	Wastewater		Compliance Schedule	Order/Penalty \$3,000	12/21/04
Honey Creek Campground, Pottawattamie Co. (4)	Wastewater		Prohibited Discharge	Order/Penalty \$1,000	12/21/04
Consolidated Energy Co. LLC, Whiting (3)	Underground Tank		Illegal Deposit	Order/Penalty \$6,000	12/21/04
Dana Kirby dba Kirby's Corner Market, Whiting (3)	Underground Tank		Registration	Order	12/21/04
Olsen Fuel Supply, Inc., Anita (4)	Underground Tank		Illegal Deposit	Order/Penalty \$7,000	12/21/04
CDI, LLC Forest City (2)	Air Quality		Emission Standards	Consent Order \$8,000	12/27/04

Jim Hawk Truck-Trailers of Davenport, Inc. Davenport (6)	Underground Tank	UST Closure	Order/Penalty \$6,427	12/28/04
Ruby Field, Inc.; Ed Grafke, Sigourney (6)	Underground Tank	UST Closure	Order/Penalty \$8,000	12/28/04

**IOWA DEPARTMENT OF NATURAL RESOURCES  
COMPLIANCE AND ENFORCEMENT BUREAU**

**DATE:** January 1, 2005

**TO:** Environmental Protection Commission

**FROM:** Ed Tormey

**SUBJECT:** Summary of Administrative Penalties

The following administrative penalties are due:

NAME/LOCATION	PROGRAM	AMOUNT	DUE DATE
Otter Creek Station (Dubuque Co.)	WS	325	3-04-99
Dorchester Supper Club (Dorchester)	WS	100	3-08-00
R & R Ranch (Osceola)	WW	10,000	8-30-00
Country Stores of Carroll, Ltd. (Carroll)	UT	4,700	1-17-01
Alice Hillhouse; Hillhouse Real Estate Corp. (Denison)	UT	3,000	2-28-01
Paul Riha d/b/a Riha Auto Sales (Vining)	UT	1,200	5-06-01
Teckenburg, Inc.; Jerry Teckenburg (Cedar Rapids)	UT	6,380	7-06-01
David and Marie Phillips (Milo)	WW	1,300	7-09-01
Keith Craig; The Farm (Council Bluffs)	UT	3,890	8-08-01
James Harter (Fairfield)	WW	1,800	8-01-01
Elite, Ltd.; FS Energy Fuel 24, LLC; Roger Kanne	UT	3,400	12-03-01
# Troy DeGroote; Casey DeGroote (Butler Co.)	AFO/AQ/SW	1,100	3-08-02
# Practical Pig Corporation (Clinton Co.)	AFO	2,000	5-26-02
Midway Oil Co.; David Requet (Davenport)	UT	6,430	9-20-02
Wilbur McNear d/b/a McNear Oil Co. (Onawa)	UT	5,930	12-17-02
Jeff Reed d/b/a Reed's Service (Lenox)	UT	7,250	1-12-03
Allan Scott (Marion Co.)	SW/WW	1,150	1-15-03
* Winter Mobile Home Park (New Hampton)	WS	250	2-15-03
U.S. Petro, Inc.; SSJG Petroleum; Sukhdev Singh	UT	32,690	2-28-03
Midway Oil Co.; David Requet; John Bliss	UT	44,900	2-28-03
Duane Crees (Muscatine Co.)	AQ/SW	1,160	3-01-03
Nevada, City of SEP	WW	3,000	3-14-03
Affordable Asbestos Removal, Inc.; Jeffery Intlekofer (Ft. Madison)	AQ	3,100	3-30-03
Scooter's Tower Club (Cresco)	WS	500	4-29-03
Midway Oil Company (West Branch)	UT	7,300	5-03-03
Midway Oil Company (Davenport)	UT	5,790	5-03-03
Efren Valdez (Warren Co.)	SW	4,000	6-09-03
Mobile World LC (Clinton Co.)	SW	2,250	6-29-03
Casey's General Stores, Inc. (Various Locations)	UT	15,000	8-01-03
Casey's General Stores, Inc. (4 Locations)	UT	4,500	8-01-03
McMahon's Bar & Ballroom (Andover)	WS	500	8-08-03
*#Roger Bockes, et. al. (Tama Co.)	AFO	600	12-01-03
* Jerry Feilen and Rick Bain (Pottawattamie Co.)	AQ/SW	975	12-15-03
Robert L. Nelson (Orient)	UT	2,450	12-26-03
Mark Anderson (Des Moines Co.)	AQ/SW	10,000	3-22-04
# Trent Ellis (Calhoun Co.)	AQ/SW/AFO	3,000	3-23-04

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Mike Phillips aka Jeff Phillips (Cambridge)	AQ	5,000	3-27-04
# James Hoogland (Sioux Co.)	AFO	2,000	4-11-04
William Hennessey (Linn Co.)	SW	2,000	5-07-04
Interchange Service Co., Inc., et.al. (Onawa)	WW	6,000	5-07-04
Crest Country Inn (Iowa Co.) No. 1	WW	1,000	5-09-04
John Danker (Lee Co.)	AQ/SW	10,000	5-22-04
R. Victor Hanks; Mobile World L.C. (Camanche)	WW	10,000	5-23-04
Gingerich Well & Pump; Corwin Gingerich; Klint Gingerich	WS	3,800	5-25-04
# Matt Hoffman (Plymouth Co.)	AFO	750	5-27-04
Mobile World LC (Camanche)	AQ/SW	10,000	5-30-04
##*Floyd Kroeze (Butler Co.)	AFO	1,500	6-01-04
Emer Carlson (Fairfield)	AQ	6,500	6-01-04
Iowa Falls Evangelical Free Church (Iowa Falls)	WS	750	6-13-04
Mitchell Town Pump (Mitchell)	WS	5,000	6-15-04
# Kay Finsher; Todd Kay (Buena Vista Co.)	AFO	750	6-16-04
Roger Ginger d/b/a L & L Standard (Everly)	UT	5,750	6-22-04
Pat Kelly d/b/a Kelly Construction (Denison)	UT	1,860	6-22-04
# Dunphy Poultry (Union Co.)	AFO	1,500	6-27-04
Midway Water & Lighting Co., Inc. (Marion)	WS	5,000	7-02-04
# Steve Grettenberg (Webster Co.)	AFO	1,000	7-09-04
Shane Preder (Ft. Madison)	AQ	1,000	7-12-04
* Russell Barkema; K.R. Construction (Wright Co.)	AQ/SW	2,500	9-30-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,500	9-01-04
Fran Oil Company (Council Bluffs)	UT	6,896	8-01-04
* Piper Motor Co.; Bruce Piper d/b/a Super Clean Car Wash	WW	3,750	8-01-04
##*James Boller (Kalona)	AFO	4,750	11-30-03
Ranch Supper Club (Swisher)	WS	2,500	8-02-04
Ossian Agri Center, Inc. (Ossian)	WW/HC	2,000	8-02-04
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000	8-03-04
Cobb Oil Co.; Messer Oil Co. (Lone Tree)	UT	250	8-03-04
##*James Boller (Kalona)	AFO	4,750	8-17-04
# Travis Aldag (Ida Co.)	AFO	3,000	8-17-04
# Cash Brewer (Cherokee Co.)	AFO/SW	10,000	8-25-04
# Verlyn & LeAnn VanRegenmorter (Sioux Co.)	AFO	2,610	8-25-04
The Filling Station (Glenwood)	WS	1,500	9-06-04
Spillway Supper Club (Harpers Ferry)	WS	1,500	9-06-04
# C J Acres; Carl Schelling (Sioux Co.)	AFO	3,000	9-11-04
David Niklasen (Shelby Co.)	SW	2,900	9-11-04
* Dennis Gailey (Moorland)	AQ/SW	7,600	9-18-04
Crest Country Inn (Iowa Co.) No. 2	WW	2,000	9-21-04
# Doorenbos Poultry; Scott Doorenbos (Sioux Co.)	AFO	1,500	10-09-04
# Marvin Maassen; Maassen & Sons (Sioux Co.)	AFO	1,500	10-01-04
# David Kass (Plymouth Co.)	AFO	3,000	10-02-04
# Richard Beelner; Beelner 1 (Plymouth Co.)	AFO	3,000	10-19-04
# Richard Beelner; Beelner 2 (Plymouth Co.)	AFO	3,000	10-19-04
T & T Corner Bar (McIntire)	WS	3,000	10-26-04
Rock N Row Adventures (Eldora)	WS	3,000	10-23-04
# Del DeWulf (Cedar Co.)	AFO	1,500	11-23-04
# Jason Fox (Audubon Co.)	AFO	1,000	11-27-04
# Norm Cleveringa (Lyon Co.)	AFO	750	11-27-04
# John C. Kelso (Worth Co.)	AFO	1,300	11-29-04
Friendly Tavern (Quasqueton)	WS	500	11-29-04
Americana Bowl (Ft. Madison)	WS	500	11-28-04

# Kollasch Land & Livestock (Palo Alto Co.)	AFO	1,500	12-14-04
Howard Traver, Jr. (Cass Co.)	SW	3,000	12-14-04
* Country Terrace Mobile Home Park (Ames)	WW	3,780	12-20-04
#*Dennis VanDerWeide (Sioux Co.)	AFO	2,000	1-01-05
# Doug Sweeny (O'Brien Co.)	AFO	750	1-02-05
#*Miles McDougall (Plymouth Co.)	AFO	1,375	1-04-05
# Koenen Dairy Inc.; Greg Koenen (Sioux Co.)	AFO	1,500	1-04-05
# Dean Mangrich (Bremer Co.)	AFO	1,500	1-14-05
# Dean Pedersen (Pocahontas Co.)	AFO	750	1-19-05
O-C Trailers, Inc. (Sioux Co.)	AQ/SW	2,000	1-21-05
#*Gary DeBoer; G & S Farms (Lyon Co.)	AFO	1,000	2-01-05
# Paul Rehder (O'Brien Co.)	AFO	3,000	2-02-05
# E & N Farms, Ltd. (Lyon Co.)	AFO	3,000	2-07-05
# Matt Gehling (Carroll Co.)	AFO	1,500	2-07-05
# Dean Paustian (Scott Co.)	AFO	750	2-07-04
Environ. Egg Production; Iowa Ag Excavating (Wright Co.)	WW	5,000	-----
Country Fresh Eggs; Iowa Ag Excavating (Wright Co.)	WW	1,500	-----
SEP			
Green Valley Mobile Home Park (Mt. Pleasant)	WW	5,000	-----
SSJG Petroleum, Inc. (Muscatine)	UT	10,000	-----
James L. Heal d/b/a A-1 Domestic (Homestead)	SW/WW	1,800	-----
Elery Fry; Allen Fry; Mel Fry; Ron Fry (Moravia)	SW	10,000	-----
Kountry School LLC (Elkader)	WS	1,500	-----
Tyson Fresh Meats, Inc. (Storm Lake) SEP	WW	6,000	-----
# Rick Nikkel (Jasper Co.)	AFO	3,000	-----
# Mike Rausch; Justin Rausch (O'Brien Co.)	AFO	2,000	-----
Pasco Storage Unlimited, Inc. (Stuart)	AQ/SW	1,000	-----
# Rick Halma (Lyon Co.)	AFO	3,000	-----
S. J. Louis Construction, Inc. (Pleasant Hill)	WW	5,000	-----
Pleasant Hill, City of	WW	10,000	-----
Valley Country Café; NOO Investment Co. (Cass Co.)	WS	5,000	-----
MKKS, LLC (Urbandale)	UT	4,600	-----
MKKS, LLC (Windsor Heights)	UT	6,500	-----
MKKS, LLC (West Des Moines)	UT	4,600	-----
Randy Griffin (Jasper Co.)	AQ/SW	5,000	-----
Delores Van Ohlen Trust (Hamilton Co.)	AQ/SW	3,000	-----
# Oakdale Pullets Farms (Buena Vista Co.)	AFO	3,000	-----
# Curt Tracy (Union Co.)	AFO	750	-----
# Craig Faber (Lyon Co.)	AFO	1,500	-----
# Tom Erickson (Clayton Co.)	AFO	3,000	-----
Honey Creek Campground (Pottawattamie Co.)	WW	1,000	-----
Lawler, City of	WW	3,000	-----
Roquette America, Inc. (Keokuk)	WW	10,000	-----
Monty Branstad (Winnebago Co.)	AQ/SW	8,000	-----
Jerome Loutsch (Plymouth Co.)	AQ	1,000	-----
Wayne Staab (Plymouth Co.)	AQ	1,000	-----
Russell Knobbe; Knobbe Bros.; Mello Knobbe (Carroll Co.)	AQ	1,000	-----
James Karthan (Clarke Co.)	AQ	1,000	-----
Guthrie Co. Rural Elec.; Lake Panorama Assoc.; Progressive Development, Inc. (Guthrie Co.)	AQ	500	-----
Ruby Field, Inc.; Ed Grafke (Sigourney)	UT	5,112	-----
Jim Hawk Truck-Trailers of Davenport, Inc. (Davenport)	UT	6,427	-----
Consolidated Energy Co. LLC (Whiting)	UT	6,000	-----
Olsen Fuel Supply, Inc. (Atlantic)	UT	7,000	-----
CDI, LLC (Forest City)	AQ	8,000	-----

**TOTAL 561,830**

The following cases have been referred to the Attorney General:

Donald P. Ervin (Ft. Dodge)	SW	669	3-05-90
Robert and Sally Shelley (Guthrie Center)	SW	1,000	3-04-91
Verna and Don Reed; Andrea Silsby (Union Co.)	SW	1,000	4-07-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	3,070	10-11-94
Relative, Inc.; Doug Smuck (Des Moines)	UT	600	10-11-94
Paul Underwood d/b/a Underwood Excavating (Cedar Rapids)	AQ	4,000	3-24-95
Randy Ballard (Fayette Co.)	FP	2,000	5-30-95
Long Branch Tavern (Monmouth)	WS	100	5-01-96
Long Branch Tavern (Monmouth)	WS	6,400	10-28-96
Long Branch Tavern (Monmouth)	WS	200	3-18-97
Don Grell d/b/a Dodger Enterprises (Ft. Dodge)	AQ	10,000	2-16-93
Robert Jeff White (Dallas Co.)	AQ/SW	10,000	7-14-97
Edward Bodensteiner (Des Moines)	UT	3,200	3-31-96
James LaFollette d/b/a Jim's Tree Service; Kurt Douglas (Marion Co.)	AQ/SW	2,000	2-16-98
Elery Fry; Allen Fry; Becky Sandeen (Monroe Co.)	SW	6,000	1-20-96
#*Harold Unternahrer (Washington Co.)	AFO	700	5-01-99
Hofer's Danceland Ballroom (Walford)	WS	3,200	4-19-97
Hofer's Danceland Ballroom (Walford)	WS	100	4-23-99
Ray Stamper; Bryan Zenor (Polk Co.)	SW	2,000	12-12-98
Russell Zook d/b/a Haskin's Recycling (Washington Co.)	AQ/SW	5,000	12-19-98
Phillips Recycling; Jeff Phillips (Story Co.)	WW	1,800	3-06-99
Greg Morton; Brenda Hornyak (Decatur Co.)	SW/AQ/WW	3,000	11-04-98
Jim Walker (Johnson Co.)	AQ/SW	3,000	2-14-99
Iowa Millenium Investors, LLC (Sumner)	UT	4,000	10-12-99
Daryl & Karen Hollingsworth d/b/a Medora Store (Indianola)	UT	10,000	
Jim Ledenbach d/b/a Paper Recovery Company (Cedar Rapids)	SW	5,000	1-23-00
Organic Technologies Corp.; Tim Danley; Ken Renfro (Warren Co.)	SW/WW	10,000	5-26-00
Lindahl & Sons Salvage (Boone)	AQ/SW	10,000	11-29-00
Wisconsin North dba National Petroleum, Inc. (Clinton)	UT	5,000	8-04-01
Wisconsin North dba National Petroleum (Clinton)	UT	2,840	8-21-01
Michael Bauer (Davenport)	UT	5,100	3-13-01
Dennis Seversson d/b/a Huxley Dry Cleaners (Huxley)	AQ	4,500	8-01-01
Bee Rite Tire Disposal; Jerry Yeomens (Marshall Co.)	SW	10,000	9-18-01
Marvin Oberly (Burlington)	WW	1,300	6-27-01
Richard Davis (Monroe Co.)	AQ	8,000	6-25-02
M-F Real Estate; Fred "Butch" Levell (Carter Lake)	HC	3,200	8-18-02
Ryan Barton; Theresa Barton (Kellerton)	AQ/SW	1,000	5-27-02
Mobile World, L.C. (Camanche)	WW	2,000	5-27-02
Oran Pub & Grill (Fairbank)	WS	100	6-03-02
M.A., Inc.; Spring Grove Mobile Home Park (Burlington)	WW	7,000	11-01-02
M.A., Inc.; Westside Park for Mobile Homes (Lee Co.)	WW	7,000	11-01-02
Harry F. Trafton; Trafton Enterprises; Interstate Lounge	UT	6,800	1-13-03
John Jolin; Michael Kolbold (Sioux City)	UT	5,760	6-23-02
Dave Paplow (Indianola)	AQ/SW	5,000	7-05-02
Meadow Mist Motel (Fayette Co.)	WS	500	8-12-02
Park View Motel (Oelwein)	WS	750	9-06-02
Dale Schaffer (Union Co.)	AQ/SW	10,000	11-05-02
Mike Messerschmidt (Martinsburg)	AQ/SW	500	
# Carl Simon (Dubuque Co.)	AFO	5,000	1-17-03
Plantation Village Mobile Home Park (Burlington)	WS	500	6-06-03
Mark Buringrud fdba Carpenter Bar & Grill (Carpenter)	WS	2,500	10-26-01
Honey Creek Campground (Crescent)	WS	1,000	4-30-02
Albert Miller (Kalona)	AQ/SW	10,000	9-26-03

Plain Salvage Inc. (Sac City)	AQ/SW	10,000	5-12-00
<b>TOTAL</b>		<b>223,389</b>	

The following administrative penalties have been appealed:

NAME/LOCATION	PROGRAM	AMOUNT
Dennis Malone & Joanne Malone (Morning Sun)	UT	600
Dallas County Care Facility (Adel)	WW	2,500
Richard Sprague (Tripoli)	AQ/SW	5,000
Gerald and Judith Vens (Scott Co.)	FP	5,000
# Iowa Select Farms, L.P.; AG Waste Consultants (Hamilton Co.)	AFO	3,000
# Dan Witt (Clinton Co.)	AFO	3,000
R. Excavating, Inc.; Randy Golden (Pottawattamie Co.)	WW	10,000
Sir Fredericks, Inc.; Fred Scherle (Ankeny)	UT	2,280
LeMars, City of	WW	10,000
Dallas County Care Facility (Adel)	WW	5,000
Robert Ward (Lee Co.)	WW	1,450
Partners Four Investments, Inc. (Marble Rock)	UT	5,280
William Habhab (Fort Dodge)	SW	1,500
Wellington Environmental (Iowa City)	AQ	1,000
Kevin Wallerich (Keota)	SW/WW	500
# Doug Wedemeyer (Adair Co.)	AFO	2,500
Mt. Pleasant, City of	WW	500
Richard and Charlotte Caves (Oskaloosa)	HC	10,000
Clifton Clark (Moorhead)	AQ/SW	1,500
# Kenneth Dahlhauser (Whittemore)	AFO	2,500
Peter Cook (Grand Mound)	AQ/SW	5,000
Stanley Siems (Hardin Co.)	AQ/SW	7,500
Schell Family Partnership (Boone Co.)	HC/SW	5,000
River City Development; Russell Hardy (Mason City)	UT	2,480
Chelsea, City of	WW	3,000
# Glen Samuelson (Adams Co.)	AFO	1,000
# Merrell Butler (Adams Co.)	AFO	1,000
# Anthony Wendler (Emmet Co.)	AFO/SW	3,000
# Doug Osweiler (South English)	AFO	5,000
# Ray Slach (Cedar Co.)	AFO	3,000
# Iowa Select Farms, LP; Swartz Finisher Farm (Hardin Co.)	AFO	500
# Natural Pork Production, II LLC (Shelby Co.)	AFO	5,000
# New London Dairy; Steve Walter dba Walter & Sons Roger Eblen; Eblen Develop.; Duane Menke; (Whispering Woods - Council Bluffs)	WW	10,000
# Iowa Select Farms, L.P.; Kerrigan Facility (Union Co.)	AFO	1,000
# D & D Ag Enterprises, LLC (Union Co.)	AFO	2,000
# Iowa Select Farms, Inc.; Clarke Sow (Clarke/Union Co.)	AFO	5,000
Brad Taylor (Pottawattamie Co.)	AQ/SW	3,500
# Southern Waste Handling, Inc. (Mr. Ayr)	AFO	7,000
Cedar Rapids, City of	WW	1,000
Country Living MHP (Altoona)	WW	5,000
Kent Kiburz (Humboldt Co.)	SW	2,500
Strawberry Point, City of	WW	10,000
Casey's Marketing Co. (Jefferson)	UT	5,224
Edward Rasch; Easter Enterprises, Inc. (Norwalk)	UT	3,000
B & H Food & Gas, Inc. (Davenport)	UT	10,000
U.S. Nation Mart, Inc. (Davenport)	UT	10,000
Tegh, Inc. (Bettendorf)	UT	8,500
Greenman Technologies of Iowa, Inc. (Des Moines)	SW	2,000
Harlan Clasen (Rock Rapids)	AQ/SW	10,000



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# Jeff Holland (Winnebago Co.)	AFO	5,500
Boyer's Sand and Rock, Inc.; William Boyer (Hawarden)	UT	2,380
Pocahontas, City of	WW	5,000
# T. Patrick and Laurie Cashman (Deep River)	AFO	750
# Bob Kerrigan (Union Co.)	AFO	750
Carpenter Bar & Grill (Carpenter)	WS	10,000
# Swine USA; Davis Finishing Site (Clarke Co.)	AFO	750
Landfill of Des Moines, Inc. (Des Moines)	SW	7,000
Denzel Edwards (Cass Co.)	AQ/SW/HC	6,000
# Gettler Dairy (Guthrie Co.)	AFO	5,000
Iowa Ethanol, LLC; Reilly Construction Co. (Worth Co.)	WW	10,000
American Shell Co.; James L. Peach (Fairport)	UT	6,200
Broin & Assoc., Inc.; Iowa Ethanol, LLC (Worth Co.)	WS/WW	10,000
Broin & Assoc., Inc.; Otter Creek Ethanol (Osceola Co.)	WW	10,000
Shenandoah, City of	AQ/SW	10,000
# Tim Trostel (Butler Co.)	AFO	2,000
# James Axtell (Hardin Co.)	AFO	500
Iowa Falls, City of	WW	10,000
Regional Environmental Improvement Comm. Of Iowa Co.	SW	10,000
Michael Sickles; Keri Sickles (Adair Co.)	SW	3,000
Crest Country Inn (Iowa Co.)	WW	2,000
Edwin Pagliai (Pella, Maquoketa, Keokuk)	UT	13,500
Lake Place (Clarion)	WS	500
Sunny Brae Golf & Country Club (Osage)	WS	650
LeMars, City of	WW	9,000
Ben Haven Mobile Home Park (Quasqueton)	WS	3,000
Curt Kline; Connie Kline (Dunlap)	AQ	5,575
# Steve Grettenberg; Grettenberg Finisher (Webster Co.)	AFO	500
# Terry Nibbelink (Sioux Co.)	AFO	1,500
# Clark Partnership; Dennis & Terrence Clark (Osceola Co.)	AFO	1,500
Williams Brothers Garage (Atlantic)	AQ/SW/WW	5,000
Alton, City of	FP	5,000
Rural Iowa Solid Waste Management Assoc. (Hardin Co.)	SW	5,000
# Allen Hoeper (Bremer Co.)	AFO	1,500
# Hunt Brothers; Steve and Chris Hunt (O'Brien Co.)	AFO	1,500
Casey's Marketing Co. (5 locations)	UT	18,101
Richard Juhl (Cass Co.)	AQ/SW	4,700
Maquoketa Shoreline Development; John Thola (Jackson Co.)	WW	10,000
Racer's Bar and Grill (Algona)	WS	1,000
# Marty McDermott (Clinton Co.)	AFO	750
Galen Engstrom (Renwick)	WW	1,000
# Jansma Cattle Co., Inc. (Lyon Co.)	AFO	10,000
# Phillip Renze; Doug Renze (Sac Co.)	AFO	2,000
The Universal Assembly of Christians; Marsha Leigh	AQ/SW	10,000
Imperial Properties, Inc. (Des Moines)	UT	10,000
# Steve Renze (Sac Co.)	AFO	3,000
# Doug Renze (Sac Co.)	AFO	3,000
Schmidt Distributors; Shoppers Supply Co. (Ft. Dodge)	AQ	5,000
# Eischeid Farms (Carroll Co.)	AFO	3,000
# Steve Van Utrecht (Mahaska Co.)	AFO	1,500
# Randy Gergen; R & D Farms (Sioux Co.)	AFO	3,000
# John Hansen (Sioux Co.)	AFO	3,000
# B & B Sandhill Swine, Inc. (Olin)	AFO	3,000
Roger Escher (Washington Co.)	SW	1,000
# Chad Kooima (Sioux Co.)	AFO	1,500

Dr. Ed Cook (Cherokee Co.)	AQ	3,000
# Dean & Sharon Gettler (Montgomery Co.)	AFO	3,000
Environmental Solutions, Inc. (Mills Co.)	SW	10,000
# Michael Veenstra; Allan Veenstra (Mahaska Co.)	AFO	5,000
# Robin Hewer (Clinton Co.)	AFO	3,000
Marvin Bates (Iowa Co.)	AQ/SW/WW	10,000
# Ellsworth Bros. Manure Pumping LLC (Kossuth Co.)	AFO	500
Harvey Products, Inc. (Harvey)	AQ	10,000
# Harold Deckers; HPD Pork (Sioux Co.)	AFO	3,000
# Gary Wedewer (Delaware Co.)	AFO	3,750
# James VerMeer (Sioux Co.)	AFO	3,000
# Dennis Rowenhorst (Sioux Co.)	AFO	3,000
# Brad Dirksen (Plymouth Co.)	AFO	3,000
# James Schmitz (Plymouth Co.)	AFO	3,000
# Bill and Don Adam, Inc. (Jefferson Co.)	AFO	3,000
# Alan Thomann (Washington Co.)	AFO	3,000
F. J. Krob & Co. (Walker)	WW/HC	10,000
# JK farms, Inc. (Plymouth Co.)	AFO	3,000
Bill Schrock (Stockport)	SW/WW	2,000
Tschiggfrie Excavating Co. (Dubuque)	WW	8,000
Iowa State University Heating Plant (Ames)	WW	1,500
# Dave Borchers (Plymouth Co.)	AFO	1,500
# David Meyer (Cedar Co.)	AFO	1,500
# P & W Egg Company, LC (Cass Co.)	AFO	3,000
Fairwinds Corp.; Envirobate Mgmt. (Urbandale)	AQ	10,000
Gary Hart (Clinton)	AQ/SW	4,250
Rose Bartles (Glenwood)	AQ/SW	1,500
# Teske Pork, LLC (Hardin Co.)	AFO	3,000
# Linn Grove Hatchery, Inc. (Buena Vista Co.)	AFO	3,000
Cedar Rapids, City of	WW	5,000
Goose Lake, City of	WS	1,000
Jerry Bravard (Boone)	WW	4,000
# Monty Unkrich (Jefferson Co.)	AFO	3,000
Garlen E. Perry; Paul ad Percilla Lattin (Shenandoah)	AQ/SW	8,000
Paul Shimp & S & V Fence Co. (Eldridge)	AQ	3,000
# Mike Elsbernd (Winneshiek Co.)	AFO	3,000
Patrick M. Pinney Contractors, Inc. (Sioux City)	SW	2,000
Patrick M. Pinney Contractors (Sioux City)	AQ	3,000
# Greg Vanden Bosch; G & T Eggs (Sioux Co.)	AFO	1,500
Leland Heisdorffer (Keokuk Co.)	AQ/SW/WW	10,000
# Darrell Behrens; Kelly Behrens (Buena Vista Co.)	AFO	3,000
Acme Fuel & Material Co. (Muscatine)	AQ	7,000
Donald Hopp (Mills Co.)	SW	2,200
# Ted T. Smith (Buena Vista Co.)	AFO	3,000
Oak Hill Marina, Inc. (Arnolds Park)	AQ/SW	10,000
# David Kistenmacher; Holstein Dairy (Holstein)	AFO	2,000
# Steve Bouchard (Cherokee Co.)	AFO	3,000
James Brown; Brian Stickney (Oto)	AQ	3,500
Henry Well Co. (Oakland)	AQ	1,000
# Keith Kruse (Clay Co.)	AFO	1,500
Crestview Mobile Home Park (Ames)	WW	10,000
# Puck Custom Enterprises, Inc. (Shelby Co.)	AFO	800
# Natural Pork Production II, LLC (Shelby Co.)	AFO	300
# Greg Gerber (Lyon Co.)	AFO	3,000
# Jerry Vander Platts (O'Brien Co.)	AFO	3,000

**TOTAL 695,720**

The following administrative penalties were paid last month:

NAME/LOCATION	PROGRAM	AMOUNT
#*Dennis VanDerWeide (Sioux Co.)	AFO	500
# Blaine Perry (Cherokee Co.)	AFO	1,500
#*Daniel E. Wilson (Poweshiek Co.) PAID IN FULL	AFO	2,000
Van Meter Development Corp.; Whispering Pines (Van Meter)	WW	2,720
# Alan Friedman (Carroll Co.)	AFO	3,000
Jerry Chatfield; North Iowa Truck and Tractor (Floyd)	SW/WW	3,000
* Country Terrace Mobile Home Park (Ames)	WW	110
Joe Ingham; Karen Ingham (Cerro Gordo Co.)	AQ	1,000
#*Miles McDougall (Plymouth Co.)	AFO	125
		<b>13,955</b>
	<b>TOTAL</b>	

### Attorney General Referrals

Name, Location & Region Number	Program	Alleged Violation	DNR Action	New or Updated Status	Date
Buringrud, Mark fdba Carpenter Bar & Grill Carpenter (2)	Drinking Water	Monitoring/Reporti ng-Bacteria, Nitrate	Order/Penalty	Referred Motion for Judgment Hearing Date	9/15/03 9/23/04 3/15/05
Chatfield, Jerry d/b/a North Iowa Truck and Tractor Floyd (2)	Solid Waste Wastewater	Illegal Disposal; Operation Without Permit	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Consent Decree (\$5,000/Civil; \$3,000/Admin./ Permanent Injunction)	10/21/02 3/17/04 9/27/04 11/08/04
Handlos, Lawrence Audubon Co. (4)	Animal Feeding Operation; Wastewater	Construction Without Permit; Failure to Submit MMP; Operation Violations; Stormwater – Operation Without Permit	Referred to Attorney General	Referred Petition Filed Trial Date	7/21/03 3/12/04 5/11/05
Jolin, John; Michael Kolbold Sioux City (3)	Underground Tank	UST Closure	Order/Penalty	Referred Petition Filed Motion for Partial Summary Judgment Hearing Date Partial Summary Judgment for Department Consent Decree (Jolin \$2,500/Civil;	3/17/03 12/29/03 3/22/04 6/07/04 7/18/04 10/29/04

5,700/Admin; Kolbold  
\$1,000/Admin.

Kelso, John C. Worth Co. (2)	Animal Feeding Operation	Failure to Submit Plan	Order/Penalty	Referred	11/18/02
M.A., Inc. and Mark Anderson; Spring Grove MHP; Westside Park for Mobile Homes Burlington (6)	Wastewater	Monitoring/Reporti ng; Operational Violations; Operator Discipline	Order/Penalty	Referred Motion for Judgment Hearing Date Order Granting Judgment (Admin. Penalties \$12,183 (2 AO's))	1/21/03 4/12/04 10/26/04
Northeast Iowa Citizens for Clean Water (NICCW)	Wastewater	DNR Defendant	Defense	Petition Filed DNR's Answer NICCW's Application for Stay NICCW's Brief for Stay DNR's Resistance DNR's Brief in Resistance Hearing on Motion Ruling Denying Stay NICCW's Motion to Reconsider DNR's Resistance Hearing on Motion to Reconsider Ruling Denying Motion to Reconsider NICCW's Application for Interlocutory Appeal DNR's Resistance to Interlocutory Appeal Supreme Court Order Denying NICCW's Appeal	8/29/03 9/25/03 10/21/03 10/21/03 11/05/03 11/14/03 12/22/03 1/29/04 2/04/04 3/01/04 4/08/04 4/20/04 4/28/04 5/11/04 6/08/04
Organic Technologies; Tim Danley; Ken Renfrow; Mike Danley Warren Co. (5)	Solid Waste	Permit Violations	Referred to Attorney General	Referred Petition Filed Application for Temporary Injunction Temporary Injunction Trial Date Partial Judgment (Clean- up Order) Contempt Application Contempt Hearing Date Contempt Finding and Civil Penalty (\$100,000 and 30 Days in Jail – Suspended until 7/8/03) Hearing Regarding Contempt Order Regarding Bond/Cleanup Deadline	12/15/97 10/02/98 2/04/99 4/19/99 9/13/00 9/28/00 12/12/02 2/20/03 2/20/03 7/09/03 8/01/03 8/01/03 8/20/03 9/18/03 4/16/04 12/10/04

						Bond Posted State Objections to Bond Ruling Denying Objections to Bond Status Hearing Date Hearing on Motion to Extend Cleanup Deadline	
Roquette America, Inc. Keokuk (6)		Air Quality	Violations – Other	Order	Referred		4/21/03
Roquette America Keokuk (6)	<b>UPDATED</b>	Air Quality	DNR Defendant	Defense	Petition Filed DNR's Answer DNR's Resistance to Temporary Injunction Hearing on Temporary Injunction DNR's Brief in Resistance Roquette's Brief Ruling on Temporary Injunction Trial Scheduling Conference		8/28/03 9/11/03 9/11/03 9/11/03 9/29/03 9/30/03 1/14/04 1/06/05
Schlag, Dana d/b/a Plantation Village Mobile Home Park Burlington (6)		Drinking Water	MCL; Public Notice Monitoring/Reporti ng – Radioactivity	Order/Penalty	Referred Case Closed		7/21/03 10/04/04
Schoenberr, R. B. d/b/a Long Branch Tavern Monmouth (1)		Drinking Water	Permit Renewal	Orders/Penalties	Referred Court Order Re-Referred		6/20/97 12/09/98 11/21/02
Simon, Carl Dubuque Co. (1)		Animal Feeding Operation	Prohibited Discharge Confinement; Freeboard	– Order/Penalty	Referred Criminal Charge in Federal Court Grand Jury Indictment		7/21/03 2/04 4/07/04
Simpson, Barry Worth Co.		Animal Feeding Operation	DNR Defendant	Defense	Petition Filed Answer Filed		10/18/04 11/04/04
Snoody, Pat Honey Creek Campground Crescent (4)		Drinking Water	Monitoring/Reporti ng-Bacteria, Nitrate; Public Notice	Order/Penalty	Referred Order Granting Judgment (\$1,000/Admin.)		10/20/03 11/08/04
Van Meter Development Corp.; C. Dave Albright Polk Co. (5)	<b>UPDATED</b>	Wastewater	Operation Without Permit; Pollution Prevention Plan Violations	Order/Penalty	Referred Case Closed Admin. Penalty; Interest Paid (\$2,720)		2/17/03 11/19/04 12/10/04
Wisconsin North, LLC d/b/a K & K Food & Gas, Inc.; Khushat Singh UST#8606990		Underground	Corrective Action; Failure to Report a Release; Leak	Referred to	Referred Petition Filed Motion for Default		3/17/03 11/07/03 1/20/04

Davenport (6)	Tank	Detection	Attorney General	Judgment Default	1/22/04
				Judgment (\$100,000/Civil	5/28/04
				Against Natural	6/14/04
				Petroleum, Inc.)	6/21/04
				Motion to Compel)	
				Order Granting Motion to Compel	
				Order Granting Motion to Compel	

Wisconsin North, LLC d/b/a				Referred	10/21/02
National Petroleum Co.				Petition Filed	11/07/03
UST #8606997	Underground	Failure to Initiate	Referred to	Motion for Default	1/20/04
Clinton (6)	Tank	Corrective Action-CDR	Attorney General	Judgment	3/16/04
				Default Judgment	
				(\$100,000/Civil	5/28/04
				Against Natural	6/29/04
				Petroleum, Inc.)	
				Motion to Compel	
				Order Granting Motion to Compel	

### Contested Cases

4/26/99	Gerald and Judith Vens	6	Admin. Order/Penalty	FP	Clark	9/20/04 – DNR staff gathering information to submit to DNR management.
12/01/99 12/08/99	Iowa Select Farms, L.P./AG Waste Consultants, Inc.	2	Admin. Order/Penalty	AFO	Clark	4/20/04 – ISF and Dept. attorneys unsuccessful attempt to contact AG Wastes Consultants attorney.
4/24/00	Carroll, City of	4	Permit Conditions	WW	Hansen	Consent order sent to City for review and mayor's signature. 12/26/03 – Dept. follow-up letter to City attorney. 12/29/03 – Response from City. 2/04 – Dept. permit writer drafting revised permit. 3/04 – Status report requested from permit writer. 4/16/04 – Dept. letter to City attorney regarding settlement with copy of draft revised NPDES permit. 5/19/04 – Follow-up letter to City attorney regarding permit. 8/04 – To be set for hearing since no settlement achieved. 9/1/04 – FO4 letter to City regarding status of construction to meet schedule in construction permit. Set for hearing for 12/16/04. Tentative agreement reached with City on terms of NPDES permit to be issued to resolve appeal. 11/04/04

						– Settled. Final terms of draft NPDES permit agreed upon between City and Dept. Draft permit sent to City to be put on public notice. 11/10/04 – City placed draft NPDES permit on public notice. Hearing continued to 2/04/05. Once final permit is issued appeal can be closed.
7/13/00	Dan Witt	6	Admin. Order/Penalty	AFO	Clark	4/26/04 – Settlement invitation letter sent.
12/01/00	Postville, City of	1	Admin. Order	WW	Tack*	Court hearing set for 2/05.
8/09/01	Nevada, City of	5	Admin. Order/Penalty	UT	Wornson	Compliance achieved. Received partial penalty. Working on SEP.
10/02/01	Daryl Larson	6	Admin. Order	AFO	Clark	Negotiating before filing.
11/07/01	Sir Fredericks, Inc.	5	Admin. Order/Penalty	UT	Wornson	Tier 2 submitted. CADR required. Negotiating penalty.
11/26/01	LeMars, City of	3	Admin. Order/Penalty	WW	Hansen	1/04- Letter to City attorney regarding compliance status. 3/29/04 – Proposed ordinance received regarding enforcement of pretreatment program from City's engineer. 4/1/04 – SEP proposal received from City. Meeting held 4/02/04 to discuss settlement. 5/04 – Further information received from City attorney.
11/27/01	Dallas County Care Facility	5	Admin. Order/Penalty	WW	Hansen	10/03 – Letter to County attorney regarding appeal resolution. 1/04 – Letter to attorney regarding appeal. 4/04 – Dept. letter to attorney regarding appeal. 9/04 – Dept. letter to attorney regarding appeal.
1/09/02	Roger Eblen; Roger Eblen Development; Duane Menke	4	Order/Penalty	WW	Tack*	Hearing continued. Settlement discussions with one party. Motion for default vs. Eblen filed 11/26/03 and granted 12/3/03. Motion to set aside default filed. 3/25/04 – FO met on-site with Eblen. Plan of action to be submitted.
1/18/02	Robert Ward	6	Order/Penalty	WW	Tack	Clean-up underway.
1/23/02	Clearview Mobile Home Park	6	Permit Conditions	WW	Hansen	10/31/02 – Construction permit issued for improvement to lagoon system. 10/31/03 – Update on construction project requested from Dept. engineer. 1/30/04 – Status report requested from Dept. staff. 2/24/04 – Letter sent to attorney

						regarding resolving appeal. 3/15/04 – Letter from facility attorney regarding proposed upgrade with sand filters. 4/26/04 – Dept. letter to MHP attorney requesting construction schedule for project. 5/17/04 – Letter from MHP attorney with new schedule.
1/29/02	Partners Four Investments, Inc.	2	Order/Penalty	UT	Wornson	Tier 2 accepted high risk. Negotiating penalty as condition of completion of further corrective action. Meeting with RP and consultant 9/27/04.
2/20/02	Storm Lake, City of	2	Permit Conditions	WW	Hansen	<b>3/03 – One year of TKN monitoring completed by City. 12/26/03 – Follow-up letter to City attorney regarding status of stream study. 1/04 – City attorney sent letter regarding stream study. 2/04 – Status report requested from Dept. staff. Per Dept. engineer – 3/29/04 City to perform more stream sampling. 6/15/04 – City report received – under review. 7/19/04 – WQ section reviewed stream study results and recalculated WLA and NPDES permit limits. 7/27/04 – WW permits staff to review WLA/permit limits. 8/31/04 – Update requested from WW permits staff. 9/04 – Update requested from WW permits staff. 10/29/04 – Dept. letter to City resolving issue of TKN monitoring. Case settled. 11/04/04 – City's letter agreeing to dismiss appeal upon issuance of NPDES permit with no TKM monitoring requirements.</b>
4/11/02	William Habhab	2	Order/Penalty	SW	Tack	Site sold to City of Ft. Dodge. City has completed clean-up. Hearing set for 11/1/04.
5/08/02	James and Retha Wilson	4	Order/Penalty	UT	Wornson	<b>Non-penalty terms have been satisfied. Conditional settlement on penalties reached and awaiting signatures. Upon signing, contested case will be dismissed. 11/12/04 – Penalty waived. Case closed.</b>
5/13/02	Avery Feeder Pig Co.	2	Order/Penalty	AF	Clark	11/15/04 – Penalty paid



				<b>O</b>		<b>in full. Case closed.</b>
6/03/02	Richard Caves; Charlotte Caves	5	Order/Penalty	HC	Tack	11/02 - Richard Caves' bankruptcy pending. Negotiating resolution.
7/10/02	Kevin Wallerich	6	Order/Penalty	SW/ WW	Tack	9/03/04 – Onsite meeting resulted in settlement agreement.
7/18/02	Mt. Pleasant, City of	6	Order/Penalty	WW	Hansen	\$500 penalty payment received for uncontested portion. 12/03 – Dept. letter with settlement offer. 1/30/04 – Dept. letter sent regarding settlement. 2/24/04 & 3/31/04 – Follow-up letters sent regarding settlement. 4/26/04 – Letter received from City attorney regarding Dept. settlement proposal.
7/23/02	Doug Wedemeyer	4	Order/Penalty	AFO	Clark*	4/30/04 – DNR letter sent.
<b>7/31/02</b>	Nevada, City of	<b>5</b>	<b>Order/Penalty</b>	<b>WW</b>	<b>Preziosi *</b>	<b>Settled. Received documentation of money set aside by City for project. Case closed.</b>
8/23/02	Clifton Clark	4	Order/Penalty	AQ/ SW	Tack	Inspection on 6/27/03. Significant progress made on cleanup. Continued efforts needed.
8/25/02	Kenneth Dahlhauser	2	Order/Penalty	AFO	Clark	3/1/04 – Appellant's attorney agrees to send another settlement letter to client.
9/03/02	Peter Cook	6	Order/Penalty	AQ/ SW	Book	Settled. Awaiting clean-up and penalty payment.
10/01/02	Stan Siems	2	<b>Order/Penalty</b>	AQ/ SW	Tack	All tires have been removed. Negotiating penalty.
10/02/02	Sioux City, City of	3	<b>Permit Conditions</b>	FP	Clark	4/30/04 – Dept. contacts City to confirm understanding that appeal will be withdrawn.
11/22/02	Schell Family Partnership	5	<b>Order/Penalty</b>	SW/ HC	Tack	Waiting for engineer's cost estimates.
11/27/02	River City Development; Russell Hardy	2	<b>Order/Penalty</b>	UT	Wornson	Appeal untimely. Tiered assessment completed. CADR/Tier 3 initiated. General terms of a penalty settlement reached.
11/27/02	Chelsea, City of	5	<b>Order/Penalty</b>	WW	Hansen*	9/18/03 – DNR letter. Will monitor for compliance through winter of 2004.
1/29/03	A.R. Wendler; W.B. Contract Swine Production	3	<b>Order/Penalty</b>	AFO	Tack	9/30/04 – Proposed settlement agreement sent.
2/05/03	Landfill of Des Moines, Inc.	5	<b>Order/Penalty</b>	SW	Tack	Physical site closure completed. Waiting for closure certification from engineer.
2/10/03	Doug Osweiler	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
2/24/03	Ray Slach	6	<b>Order/Penalty</b>	AFO	Clark	4/29/04 – Settlement invitation letter sent.
3/04/03	Iowa Select Farms; Swartz Finisher Farm	2	<b>Order/Penalty</b>	AFO	Clark	5/28/04 – Dept. makes counter offer in response to appellant's settlement

						offer. 6/15/04 – Second round of offers.
4/04/03	Natural Pork Production II, LLP (03-AFO-13)	6	<b>Order/Penalty</b>	AFO	Clark*	1/02/04 – DNR letter.
4/25/03	Ag Processing Inc.	2	<b>Permit Conditions</b>	AQ	Preziosi	<b>Still negotiating. Requesting hearing be set.</b>
5/15/03	Steve Walter d/b/a Walter & Son Waste Hauling	6	<b>Order/Penalty</b>	AFO	Clark*	9/1/03 – Facility being sold. Bankruptcy hearing 9/11/03. 1/02/04 – DNR letter to attorney. 5/12/04 – Appellant's response.
6/23/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Kerrigan Gilt/Union Co.)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/23/03	D & D Ag Enterprises LLC	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/01/03	Casey's General Stores (03-UT-03 through 03-UT-06)	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved except negotiating penalty/SEP before filing.
7/10/03	Iowa Select Farms, L.P.; Iowa Select Farms, Inc. (Clarke/Union)	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/14/03	Brad Taylor	4	<b>Order/Penalty</b>	AQ/ SW	Tack	Partial site clean-up completed. Hearing set for 11/19/04.
8/12/03	Southern Waste Handling, Inc.	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/12/03	Cargill (Sioux City)	3	<b>Variance Denial</b>	AQ	Preziosi	Negotiating before filing.
8/29/03	Country Living Mobile Home Park	5	<b>Order/Penalty</b>	WW	Hansen	6/23/04 – Construction permit issued. Settlement offer will be made. 9/04 – Status report from Dept. engineer requested regarding project construction status.
9/02/03	Kent Kiburz	2	<b>Order/Penalty</b>	SW	Tack	Clean-up underway.
9/04/03	Easter Enterprises, Inc.	5	<b>Order/Penalty</b>	UT	Wornson	Compliance on non-penalty terms completed. Prepare penalty settlement.
9/05/03	Strawberry Point, City of	1	<b>Order/Penalty</b>	WW	Hansen*	1/5/04 – City to upgrade facilities, compliance will be monitored through 2005.
9/25/03	Ag Processing Inc.	4	<b>Permit Conditions</b>	AQ	Preziosi	<b>Still negotiating. Requesting hearing be set.</b>
10/01/03	Casey's Marketing Co. UST#8606588, Jefferson	4	<b>Order/Penalty</b>	UT	Wornson	Compliance achieved. SEP proposed.
10/06/03	Dennis Bandstra d/b/a Big Dutch	3	<b>Order/Penalty</b>	AQ	Book	Consent amendment final. Payment plan on schedule.
10/08/03	TEGH, Inc. (03-UT-15)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	B & Food & Gas, Inc. (03-UT-12)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
10/27/03	U.S. Nation Mart, Inc. (03-UT-14)	6	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
11/19/03	Harlan Clasen	3	<b>Order/Penalty</b>	AQ/ SW	Tack	Negotiating before filing.
11/19/03	Ron Fisher Furniture	1	<b>Amended Order</b>	AQ	Preziosi	Negotiating before filing.
11/20/03	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
11/21/03	Russell and Kay Barkema; K & R Construction	2	<b>Order/Penalty</b>	AQ/ SW	Book	Consent amendment final. Payment plan on schedule.
12/02/03	Jeff Holland	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
12/05/03	Boyer's Sand and Rock, Inc.; William Boyer	3	<b>Order/Penalty</b>	UT	Wornson	Settlement agreement sent 3/2/04.
12/15/03	AGP (Emmetsburg)	3	<b>Permit Conditions</b>	AQ	Preziosi	<b>Still negotiating. Requesting hearing be set.</b>
12/22/03	Pocahontas, City of	3	<b>Order/Penalty</b>	WW	Preziosi	4/06/04 – Settlement

					*	offer by City. 4/13/04 – Offer accepted by DNR. 5/26/04 – Fish restitution paid. SEP to be finalized.
12/29/03	T. Patrick Cashman; Laurie Cashman	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/21/04	Bob Kerrigan	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
1/22/04	Van Veldhuizen Dairy	3	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment final. Payment plan on schedule.
1/22/04	Nestle Purina Pet Care	1	<b>Permit Conditions</b>	AQ	Book	Being handled by AQ management.
1/30/04	John Schmall d/b/a Carpenter Bar & Grill	2	<b>Order/Penalty</b>	WS	Hansen	2/26/04 – Letter to WS attorney regarding resolving appeal. 9/04 – Per WS section, facility has returned to compliance.
2/09/04	Swine USA, LP	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/16/04	Iowa Ethanol, LLC; Reilly Construction Co., Inc.	2	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Otter Creek Ethanol, LLC	3	<b>Order/Penalty</b>	WW	Clark*	Meeting held 4/07/04.
2/17/04	Broin & Assoc., Inc. aka Iowa Ethanol, LLC	2	<b>Order/Penalty</b>	WS/WW	Clark*	Meeting held 4/07/04.
2/18/04	Larry Johnson; Denzel Edwards	4	<b>Order/Penalty</b>	AQ/SW/HC	Tack	4/15/04 - \$3,000 penalty settlement received from Larry Johnson.
2/18/04	Gettler Dairy, Inc.; Dave and Kristen Gettler	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
2/23/04	American Shell Co., Inc.; James L. Peach		<b>Order/Penalty</b>	UT	Wornson	Report submitted. Revisions required. Prepare conditioned penalty settlement.
3/01/04	Shenandoah, City of	4	<b>Order/Penalty</b>	AQ/SW	Tack	Negotiating before filing.
3/04/04	Tim Trostel	2	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
3/15/04	Iowa Falls, City of	2	<b>Order/Penalty</b>	WW	Hansen	6/04 – Dept. letter to City attorney regarding settlement.
3/15/04	Regional Environmental Improvement Commission of Iowa County	6	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
3/16/04	Axtell Finishers; James Axtell	2	<b>Order/Penalty</b>	AFO	Clark	7/29/04 – Dept. reject Axtell's settlement offer and inquires if immediate transfer to DIA is desired.
3/22/04	Crest Country Inn	6	Order/Penalty	WW	Hansen	4/28/04 – Letter sent to appellant. 5/10/04 – Response. 5/28/04 – Letter sent to appellant. 7/9/04 – Sent to DIA. Second AOP issued. No appeal. 9/17/04 – ALJ order granting default and dismissing appeal due to failure to file petition. Motion to set aside default filed by attorney for Crest Country Inn. Response by Dept. filed resisting reinstatement. ALJ order issued denying motion to reinstate appeal. 11/12/04 – ALJ order final. Dept. order

						<b>final. Case closed.</b>
3/23/04	Michael and Keri Sickles	4	<b>Order/Penalty</b>	SW	Tack	Clean-up completed. \$750 settlement offer sent 6/29/04.
3/24/04	Lake Place	2	<b>Order/Penalty</b>	WS	Book	Unable to locate owner. Will continue to look.
4/02/04	Sunny Brae Golf and Country Club	2	<b>Order/Penalty</b>	WS	Tack	Compliance review continuing. Penalty will be forgiven upon receipt of clean 3 <sup>rd</sup> quarter bacteria test results.
4/02/04	LeMars, City of	3	<b>Order/Penalty</b>	WW	Hansen	4/02/04 – Meeting held to discuss settlement.
4/08/04	Silver Creek Feeders	4	<b>Permit Conditions</b>	AFO	Clark	Negotiating before filing.
4/16/04	Ag Processing Inc. (Sheldon)	3	<b>Permit Conditions</b>	AQ	Preziosi	<b>Still negotiating. Requesting hearing be set.</b>
4/16/04	Ben Haven Mobile Home Park	1	<b>Order/Penalty</b>	WS	Clark	Negotiating before filing.
4/19/04	Richard Juhl	4	<b>Order/Penalty</b>	AQ/ SW	Book	6/25/04 – Default entered.
4/19/04	ADM – Clinton	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
4/23/04	Curt Kline; Connie Kline	4	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
4/26/04	Miles McDougal	3	<b>Order/Penalty</b>	AFO	Book	ALJ confirmed order with full penalty.
5/03/04	Steven Grettenberg	2	<b>Order/Penalty</b>	AFO	Book	Settled. Consent amendment with producer for signature.
5/04/04	West Central Cooperative	4	<b>Permit Denial</b>	AQ	Preziosi	Negotiating before filing.
5/06/04	Terry Nibbelink	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/11/04	Clark Partnership; Dennis Clark; Terrence Clark	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
5/11/04	Williams Brothers Garage	4	<b>Order/Penalty</b>	WW /SW /AQ	Tack	9/30/04 – Cleanup is underway.
5/12/04	Ag Processing, Inc.	3	<b>Permit Conditions</b>	AQ	Preziosi	<b>Still negotiating. Requesting hearing be set.</b>
5/12/04	Hunt Brothers; Chris Hunt	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
5/13/04	Allen Hoeper	1	<b>Order/Penalty</b>	AFO	Clark	10/26/04 – Dept. considering counter offer to Hoeper's settlement offer.
5/14/04	G & S Farms; Greg DeBoer	3	<b>Order/Penalty</b>	AFO	Book	Payment schedule in place and payments on schedule.
5/14/04	Rural Iowa Solid Waste Mgmt.	2	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
5/18/04	Alton, City of	3	<b>Order/Penalty</b>	FP	Clark	Negotiating before filing.
5/25/04	CDI, LLC	6	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/26/04	Casey's Marketing Co. (5 locations)	5	<b>Order/Penalty</b>	AFO	Wornson	Compliance achieved. Negotiating SEP.
5/27/04	CDI – Charles City	2	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
5/28/04	Maquoketa Shoreline Development, Inc.	1	<b>Order/Penalty</b>	WW	Tack*	Negotiating before filing.
6/02/04	Racer's Bar and Grill	2	<b>Order/Penalty</b>	WS	Book	Waiting to hear from owner on possible settlement.
6/09/04	Kevin Miller	1	<b>Operation Permit</b>	WS	Hansen	6/24/04 – FO1 letter to WS regarding permit requirements. 7/12/04 – Compliance with disinfection requirements initiated. 9/04 – Status report requested from FO regarding compliance.
6/11/04	The Universal Assembly of Christians, Inc.; Marsha Leigh	4	<b>Order/Penalty</b>	AQ/ SW	Tack	9/04 – Referred to AG.
6/11/04	University of Iowa	6	<b>NPDES Permit</b>	WW	Hansen	Negotiating before filing.

6/11/04	Long Branch Maintenance Corp.	4	<b>Order/Penalty</b>	WS	Hansen	<b>7/15/04 – Informal meeting to discuss settlement. Attorney for WS to respond by 8/27/04. Hearing set for 12/17/04. 11/10/04 – Full penalty paid and engineering report submitted. Tentatively resolved.</b>
6/18/04	CDI – Charles City	2	<b>Title V Permit Determination</b>	AQ	Preziosi	Negotiating before filing.
6/18/04	Schmidt Distribution, Inc. d/b/a Shoppers Supply Co.	2	<b>Order/Penalty</b>	AQ	Preziosi	Negotiating before filing.
6/18/04	Phillip Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/18/04	Doug Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/24/04	Holly A. Brown Construction	3	<b>Order/Penalty</b>	AQ/ SW	Book	Settled. Consent amendment in place. Awaiting penalty payment.
6/24/04	Jansma Cattle Co., Inc.	3	<b>Order/Penalty</b>	AFO	Tack*	Negotiating before filing.
6/25/04	Eischeid Farms, Inc.	4	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/25/04	Steve Renze	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Ellsworth Turkey, LC; Sunrise Turkey Farm	2	<b>Order/Penalty</b>	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Ellsworth Turkey, LC; South Side Turkey Farm	2	<b>Order/Penalty</b>	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Ellsworth Turkey, LC; Blue Sky Turkey Farm	2	<b>Order/Penalty</b>	AFO	Book	Consent amendment final. Awaiting penalty payment.
6/28/04	Michael Veenstra; Alan Veenstra	5	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
6/28/04	Robin Hewer	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
6/28/04	Marvin Bates	6	<b>Order/Penalty</b>	AQ/ SW/ WW	Tack	Compliance to be reviewed in 11/04.
6/29/04	Imperial Properties	5	<b>Order/Penalty</b>	UT	Wornson	Negotiating before filing.
7/16/04	Ed Cook	3	<b>Order/Penalty</b>	AQ	Book	Negotiating before filing.
7/16/04	Dean Gettler	4	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
7/20/04	Chad Kooima	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
7/26/04	B & B Sandhill Swine	1	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/26/04	Randy Gergen	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
7/27/04	Roger Eschen	6	<b>Order/Penalty</b>	SW	Tack	Negotiating before filing.
7/27/04	John Hansen Farms	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
<b>7/28/04</b>	Darron Rusk	3	<b>Order/Penalty</b>	<b>AF O</b>	<b>Book</b>	<b>11/19/04 – Penalty paid. Case closed.</b>
8/02/04	James Vermeer	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/02/04	Dennis Rowenhorst	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/06/04	Eldora, City of	1	<b>Permit Conditions</b>	WW	Hansen	Negotiating before filing.
8/17/04	Harold Dekkers	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/17/04	Gary Wedewer	1	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
<b>8/18/04</b>	<b>Alan W. Kruger, et.al.</b>		Permit Issuance	<b>FP</b>	<b>Clark</b>	<b>11/16/04 – Appeal dismissed. Case closed.</b>
8/19/04	F.J. Krob & Co.	1	<b>Order/Penalty</b>	HC/ WW	Tack*	Negotiating before filing.
8/20/04	Alan Thomann	6	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/26/04	Jim Schmitz	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/30/04	Brad Dirksen	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
8/30/04	Don and Bill Adam, Inc.	6	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
8/30/04	Ames, City of	5	<b>Permit Conditions</b>	AQ	Preziosi	Negotiating before filing.
9/01/04	Iowa State University	5	<b>Order/Penalty</b>	WW	Hansen	Negotiating before filing.
9/03/04	David Borchers	3	<b>Order/Penalty</b>	AFO	Book	Negotiating before filing.
9/10/04	Tschiggfrie Excavating Co.	1	<b>Order/Penalty</b>	WW	Tack	Negotiating before filing.
9/14/04	JK Farms, Inc.	3	<b>Order/Penalty</b>	AFO	Clark	Negotiating before filing.
9/14/04	Bill Schrock	6	<b>Order/Penalty</b>	WW /SW	Tack	Negotiating before filing.

9/20/04	David Meyer	6	Order/Penalty	AFO	Book	Negotiating before filing.
9/21/04	P & W Egg Co.	4	Order/Penalty	AFO	Book	Negotiating before filing.
9/29/04	EnviroBate	4	Order/Penalty	AQ	Book	Negotiating before filing.
10/04/04	Rose M. Bartles	4	Order/Penalty	AQ/ SW	Tack	Negotiating before filing.
10/05/04	Mike Teske; Teske Pork	2	Order/Penalty	AFO	Clark	Negotiating before filing.
10/08/04	Goose Lake, City of	6	Order/Penalty	WS	Hansen	Negotiating before filing.
10/12/04	Gary Hart	6	Order/Penalty	AQ/ SW	Tack	Negotiating before filing.
10/13/04	Charlie Van Meter; Van Meter Feedyard	5	Permit Conditions	WW	Clark	Negotiating before filing.
10/14/04	Linn Grove Hatchery	3	Order/Penalty	AFO	Book	Negotiating before filing.
10/14/04	Garlen Perry; Paula and Percilla Lattin	4	Order/Penalty	AQ/ SW	Book	Negotiating before filing.
10/19/04	Cedar Rapids, City of	1	Order/Penalty	WW	Hansen*	Negotiating before filing.
10/20/04	Jerry Bravard	5	Order/Penalty	WW	Tack	Negotiating before filing.
10/21/04	Eugene Kramer	1	Order	WR	Clark	Negotiating before filing.
10/26/04	Monty Unkrich	6	Order/Penalty	AFO	Book	Negotiating before filing.
10/26/04	S & V Fence & Deck Co.	6	Order/Penalty	AQ	Book	Negotiating before filing.
11/02/04	Mike Elsbernd	1	Order/Penalty	AFO	Book	New case.
11/03/04	Patrick M. Pinney Contractors	3	Order/Penalty	AQ	Book	New case.
11/03/04	Patrick M. Pinney Contractors	3	Order/Penalty	SW	Tack	New case.
11/03/04	Greg Vanden Bosch; G & T Eggs	3	Order/Penalty	AFO	Book	New case.
11/03/04	Leland Heisdorffer	6	Order/Penalty	AQ/ SW/ WW	Tack	New case.
11/05/04	Darrel Behrens; Kelly Behrens	3	Order/Penalty	AFO	Book	New case.
11/09/04	Donald Hopp	4	Order/Penalty	SW	Tack	New case.
11/10/04	Ted T. Smith	3	Order/Penalty	AFO	Clark	New case.
11/15/04	Acme Fuel & Materials	6	Order/Penalty	AQ	Book	New case.
11/19/04	Oak Hill Marina, Inc.	3	Order/Penalty	AQ/ SW	Book	New case.
11/19/04	Steve Bouchard	3	Order/Penalty	AFO	Book	New case.
11/22/04	Holstein Dairy	3	Order/Penalty	AFO	Book	New case.
11/23/04	Henry Well Co.	4	Order/Penalty	AQ	Preziosi	New case.
11/30/04	James Brown	3	Order/Penalty	AQ	Book	New case.

**Iowa Department of Natural Resources  
Environmental Services  
Report of WW By-passes**

During the period December 1, 2004 through December 31, 2004, 7 reports of wastewater by-passes were received. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events.

Month	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
October '04	9(8)	0.065	0.030	3	0(1)
November '04	11(4)	0.728	0.083	4	0(0)
December '04	7(11)	0.382	0.004	3	0(0)
January '04	5(3)	0.479	0.165	3	0(0)
February '04	10(4)	0.269	0.032	2	0(0)
March '04	7(7)	0.524	0.022	3	0(0)
April '04	8(8)	0.608	0.072	1	0(0)
May '04	9(9)	0.499	0.042	4	0(0)
June '04	7(6)	0.038	0.001	2	0(0)
July '04	3(5)	0.354	0.072	2	0(0)
August '04	13(2)	0.267	0.050	7	0(0)
September '04	5(4)	0.131	0.068	1	0(0)

(numbers in parentheses for same period last year)

Total Number of Incidents Per Field Office This Period:

1	2	3	4	5	6
4	0	1	1	0	1

<b>INFORMATIONAL ONLY</b>
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## GENERAL DISCUSSION

Catharine Fitzsimmons said that they have been working with a committee of folks to make recommendations related to Animal feeding operations and air quality emissions. The workgroup had been split up to look at emissions from animal feeding operations and looking at dispersion modeling tools available and looking at best management practices that people could be using today to reduce air pollution. The workgroup finalized their report. It is being printed and binded. This will be presented to legislators at our briefing. The report will also be available on our website.

About three years, the Iowa Association of Business and Industries started working with us to look at indoor sources of air pollution that are directly vented outside of buildings. Commonly known as indoor sources. EPA and the department believe that a great majority of emissions do exit the building and do enter the ambient air at some point. We do and still remain to have authority over those air emissions as they exit the building. Some individuals took a bill to the legislature prohibiting us from considering indoor venting sources from being required to get permits. The Governor vetoed that bill but instructed us to work with industries to resolve the problem. We have gone through two rulemaking efforts to do this. The first one, we did not involve EPA and later found out that they would not accept those recommendations. We then included EPA in the second round and came out with a rulemaking. Some of the industry people were asking for a bright line on what to permit and not to permit. Our rules say that every source of air pollution has to get an air emission permit. The problem with that is that we don't want to permit every spray can, cleaning fluids, etc. It's very difficult to describe that line of what does and does not matter. Our past practice for the last 30 years has been to say that if you have a source of air pollution inside of a building that is not directly ducted outside then you don't have to get a permit unless you need that permit to establish a federal enforcement limit to keep you out of regulatory programs. We have put together the small unit exemption rulemaking which you approved and went into affect in September. We also put out a policy that said you now need to permit implementation guidelines, that says you now need to either permit your sources or get them exempted. Department of Economic development helped us put together another industry workgroup. We said that we would put a six month delay on implementing these rules, while we make proposals to solve this. We held a mini kaizen to hammer the issues rather than another year of workgroups. We have agreed to withdraw our policy statement about permitted or exempted, which solved the issue for a majority of people in the workgroups. In addition we agreed to look in detail at the list of exemptions that they proposed. The workgroups were to

draft the exemptions. EPA was present at the time. Currently the workgroups have 11 exemptions and environmental justifications, they will present this list to EPA for approval by February 15. This list will be available on the website and open to comment. We are planning to bring this list before the Commission at the March meeting as an informational item.

Wayne Gieselman addressed the following issues:

- Upcoming legislation from other entities outside the department that may have impact on us:
  - There is a bill that has been introduced that will provide some funding for the department for water related issues by a dedicated sales tax on water.
  - Possible legislation on recycling oil filters
  - CAFO legislation
  - Maybe a bill that exempts all grain elevators from compliance to any air quality standards.

Wayne clarified that the purpose of the kaizen events are not to discuss the policy or law but to have our staff review the process and develop a more efficient way to improve the process. Rule development workgroups are different. Those groups actually discuss what the law says and how we are going to implement that law.

#### The Robertson Case

Dale and Ryan Robertson from Jefferson County have a hog operation. Ryan has a confinement site with 2,400 head. Under the statute we had to be 500 feet away from the nearest water source and out of the floodplain. We sent the field staff out and he is 504 feet from the nearest water source. We had an issue on this same site with the flood plain declaratory order. This individual petitioned us to have a declaratory ruling on whether he was on a floodplain or not. We had a survey done and this site is not on the floodplain. It is actually 2-3 feet above the 100 year flood level, which is all we can require. Dale has a confinement building that is less than 1,200 head but it's at a size that doesn't require a manure management plan. However, under the statute he still has to have a 500 feet separation distance from a water source. As we analyzed that site, he has not met the separation distance. We are going to notify him that he needs to have secondary containment design that will hold 50% of the volume of the other building pit in case of a manure spill. In terms of ownership, they are father and son. The father sold the son a 4 acre track to put in a 2,400 head building. That is a legally recorded transaction. Those are two separate ownerships of the property.

Ed Tormey read the statute pertaining to common-ownership or management: "Common management means significant control by a person of the management of the day to day operations of each of two or more animal feeding operations. Common ownership means the ownership of any animal feeding operation as a sole proprietor or majority ownership interest held by a person in each of two or more animal feeding operations as a joint tenant, tenant in common, shareholder, partner, member, beneficiary or other equity interest holder. The majority ownership interest is a common ownership interest when it is held directly/indirectly through a spouse, dependent child or both."



Francis Thicke made the suggestion that we schedule some time on next month's agenda for both sides to talk. This way everyone can clarify and resolve this issue publicly.

Wayne Gieselman said that I don't believe it's advisable for the Commission to begin hearing these cases. The department can and has held public hearings in the area for people to address their concerns regarding the issue at hand.

### **NEXT MEETING DATES**

March 21, 2005

April 18, 2005

May 16, 2005

### **ADJOURNMENT**

With no further business to come before the Environmental Protection Commission, Chairperson Darrell Hanson adjourned the meeting at 4:15 p.m., Monday, January 18, 2005.

<i>Motion was made by Lisa Davis Cook to adjourn. Seconded by Terry Townsend. Motion carried unanimously.</i>
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Jeffrey R. Vonk, Director

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Darrell Hanson, Chair

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Heidi Vittetoe, Secretary

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